

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DISTRICT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
MAYRA EDITH BLAIR,)
)
 Defendant.)

No. 3:15-cr-00056
Knoxville, Tennessee
March 20, 2015
1:30 p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE C. CLIFFORD SHIRLEY
UNITED STATES MAGISTRATE JUDGE

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24 (Note: Unless otherwise provided to the court
reporter, all proper nouns are spelled to the best
25 phonetic approximation.)

1 This cause came on for hearing on the 20th
2 day of March, 2015, in the United States District
3 Court for the Eastern District of Tennessee, Northern
4 Division, before the Honorable C. Clifford Shirley,
5 Jr., presiding.

6 The Court having been duly opened, the
7 following proceedings were had, to-wit:

8 THE COURTROOM DEPUTY: All rise. This
9 Honorable Court is now in session; the Honorable C.
10 Clifford Shirley, Jr., United States Magistrate
11 Judge, presiding.

12 Please come to order and be seated.

13 Criminal action 3:15-cr-46, Defendant No.
14 3, United States of America versus Mayra Blair.

15 Frank Dale is here on behalf of the
16 government.

17 Is the government present and ready to
18 proceed?

19 MR. DALE: Present and ready, and also with
20 me is Jennifer Kolman, my co-counsel in this case.

21 THE COURT: Mr. Charles Currier is here on
22 behalf of the defendant.

23 Is the defendant present and ready to
24 proceed?

25 MR. CURRIER: Yes, ma'am.

1 THE COURT: All right, Mr. Dale. How many
2 witnesses do you anticipate calling?

3 MR. DALE: We have two, Your Honor.

4 THE COURT: Mr. Currier, witnesses?

5 MR. CURRIER: Four, Your Honor.

6 THE COURT: Okay. Thank you.

7 All right, Mr. Dale. Call your first
8 witness.

9 MR. DALE: The United States calls Special
10 Agent Brian Grove.

11 THE COURT: Mr. Grove, come forward.

12 THE COURTROOM DEPUTY: Do you solemnly
13 swear your testimony will be the truth, the whole
14 truth and nothing but the truth, so help you God?

15 THE WITNESS: I do.

16 THE COURTROOM DEPUTY: Have a seat.

17 Please state and spell your name for the
18 record.

19 THE WITNESS: My name is Brian Grove,
20 B-r-i-a-n, G-r-o-v-e.

21 THE COURTROOM DEPUTY: Thank you, sir.

22 BRIAN GROVE,
23 having been first duly sworn, was
24 examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. DALE:

2 Q Special Agent Grove, could you please tell the
3 Court where you're employed.

4 A I'm employed with the Internal Revenue Service
5 here in Knoxville, Tennessee.

6 Q And what is your position?

7 A I'm a Special Agent.

8 Q And what is your experience with this case
9 presently before the Court?

10 A The IRS started an investigation of some aspects
11 of this case back in 2012. We began a criminal
12 investigation of this case approximately one year
13 ago.

14 Q Okay. And a criminal investigation of the
15 defendant, Mayra Blair, and other persons as well?

16 A Correct.

17 Q Okay. And let me ask you, first of all, are
18 there persons involved in the conspiracy to the
19 charge that have not yet been indicted or have been
20 indicted and are not yet in custody?

21 A Yeah, there are several unindicted that are
22 still out there and one that has been indicted that
23 we have not arrested yet.

24 Q Okay. Are some of these people non U.S.
25 citizens?

1 A Yes.

2 Q Are some of the witnesses non U.S. citizens?

3 A Yes.

4 Q People that could be subject to intimidation
5 because of their immigration status?

6 A Absolutely.

7 Q Now --

8 MR. CURRIER: Objection to the insinuation,
9 Your Honor. We have no power to intimidate anybody.
10 It is the government who tends to intimidate people.
11 Witness our discussion yesterday afternoon where
12 people such as this woman's husband --

13 THE COURT: What's the legal basis for your
14 objection?

15 MR. CURRIER: The legal basis, Your Honor,
16 is that it is suggestive to assert that there are
17 people who could -- especially and obviously by
18 implication the defendant --

19 THE COURT: All right. That's an argument.
20 That's not a legal objection to evidence, and so I'm
21 going to overrule the objection.

22 MR. CURRIER: Thank you, Your Honor.

23 BY MR. DALE:

24 Q And so there are people that will be subject to
25 intimidation because of their immigration status. Is

1 that correct?

2 A Yes.

3 Q Did this conspiracy involve the use of phony
4 identification documents?

5 A Yes.

6 Q What kinds of documents?

7 A Fake Guatemalan, Honduran, Mexican driver's
8 licenses, birth certificates, vaccine documentation,
9 things of that nature.

10 Q Are these documents that were provided to the
11 defendant?

12 A Yes.

13 Q Did she know they were false?

14 A Yes.

15 Q And are the people who produced these phony
16 documents in custody?

17 A No.

18 Q And this conspiracy involved the preparation of
19 false tax returns. Is that right?

20 A That's correct.

21 Q Obtaining Treasury checks and then cashing them.
22 Is that correct?

23 A That's correct.

24 Q And part of this involved providing the
25 defendant, Ms. Blair, with phony earnings information

1 and addresses to which the Treasury checks would be
2 mailed. Is that right?

3 A Correct, fake W-2s, fake identification
4 documents.

5 Q And are the people that provided her those
6 documents -- are all those people in custody?

7 A No.

8 Q So the people that prepared the false
9 identifications, the people who provided the false
10 information, they're still out. Is that correct?

11 A Correct.

12 Q Is there anything that would prevent the
13 defendant from going back to the same offense if she
14 were released?

15 A No.

16 Q Who is Diana Ortiz-Zarate?

17 A Diana Ortiz-Zarate was a employee of Ms. Mayra
18 Blair's, and she ran the Alcoa location of Mayra
19 Moreno Insurance.

20 THE COURT: You may want to spell that name
21 for the record if you'd like to get it correct.

22 MR. DALE: Yes, sir. And actually I'm
23 going to put a document on the overhead which will
24 help with that as well.

25 BY MR. DALE:

1 Q Let me go ahead and do this. I'm going to show
2 you, Special Agent Grove, what has been marked as
3 Government Exhibit 1 and ask if you can identify it,
4 sir.

5 A That is the Indictment we filed against Diana
6 Ortiz-Zarate.

7 Q You'll notice that the docket number is
8 different from the docket number in this case.

9 A That's correct.

10 Q And she is not a defendant in this present case,
11 is she?

12 A No.

13 Q Okay. And you testified that she worked for
14 Ms. Blair.

15 A That's correct.

16 MR. DALE: Okay. I move to admit Exhibit 1
17 into evidence, please.

18 MR. CURRIER: Objection, relevance. This
19 document has not been shown to have any connection
20 with either this defendant or with the hearings today
21 which has to deal with is this defendant likely to
22 flee, is this defendant likely to either terrorize or
23 intimidate people, I presume this woman -- I don't
24 know.

25 But as I understood, she's actually in

1 jail. She may not be now. So I don't think she's
2 likely to be able to be physically threatened.
3 Therefore, I question the relevance of the admission
4 of this Indictment.

5 THE COURT: You can question the relevance,
6 not make a closing argument.

7 MR. CURRIER: Yes, sir.

8 THE COURT: Okay. The objection is
9 relevance. What do you say about that?

10 MR. DALE: I'm going to establish that very
11 quickly.

12 THE COURT: Then I'll reserve ruling on its
13 admission until you do.

14 MR. DALE: Absolutely.

15 BY MR. DALE:

16 Q Let me ask you this, Special Agent Grove. Has
17 defendant Diana Ortiz-Zarate -- has she been charged
18 with one of the same offenses that Ms. Blair was
19 charged?

20 A Yes, she was indicted on Title 18 Section 286,
21 which is filing false claims with the government.

22 Q Okay. And when it says, "Entered into a
23 conspiracy with other persons," was one of those
24 persons Ms. Blair?

25 A Yes.

1 Q And did this Indictment arise from the work she
2 did in Ms. Blair's office?

3 A Yes.

4 MR. DALE: Is that sufficient, Your Honor?

5 THE COURT: Do you have an objection now?

6 MR. CURRIER: Yes, sir, two fold: First of
7 all, it is said that this work occurred in
8 Ms. Blair's office. That will be subject to proof at
9 various points.

10 THE COURT: That's not a legal objection.
11 Do you have a legal objection?

12 MR. CURRIER: No, Your Honor.

13 THE COURT: All right. That will come in.
14 I'm not ascribing it any weight or anything like
15 that. I'm just allowing it to be admitted as
16 evidence to this gentleman's testimony. So it will
17 come in as Exhibit 1.

18 (Exhibit No. 1 was admitted.)

19 BY MR. DALE:

20 Q Special Agent Grove, has Diana Ortiz-Zarate
21 entered a guilty plea?

22 A Yes.

23 Q Did she plead guilty to a violation of Title 18
24 United States Code Section 286?

25 A Yes.

1 Q In conjunction with the work that she did for
2 the defendant, Mayra Blair?

3 A That's correct.

4 Q At Mayra Blair's office?

5 A That's correct.

6 Q In Alcoa, Tennessee?

7 A Yes.

8 Q Work involving the preparation of phony income
9 tax returns at Ms. Blair's instruction?

10 A Correct.

11 Q I'll show you what has been marked as Government
12 Exhibit 2, and I'll ask you, sir, is this a printout
13 of a docket entry that reflects a minute entry for a
14 change of plea hearing in which Ms. Ortiz entered
15 guilty plea in the same case?

16 A Yes.

17 Q Okay. The case that I just showed you the
18 Indictment for?

19 A Correct.

20 MR. DALE: Move to admit Exhibit 2 into
21 evidence, please.

22 THE COURT: Are these public documents?
23 Are they on file in the case?

24 MR. DALE: I would say most certainly they
25 are.

1 THE COURT: All right. So any objection to
2 that?

3 MR. CURRIER: As it appears from its face
4 that it was electronically filed -- I admit I haven't
5 seen it, but it may be in fact in ECF.

6 MR. DALE: I will represent to the Court
7 that it is in fact in ECF.

8 MR. CURRIER: It appears to be.

9 THE COURT: All right. It's just a minute
10 entry showing a guilty plea on March 12th --

11 MR. DALE: That's correct.

12 THE COURT: -- of this year?

13 All right. That will come in as Exhibit 2.

14 (Exhibit No. 2 was admitted.)

15 BY MR. DALE:

16 Q Is Diana Ortiz cooperating with the government?

17 A Yes.

18 Q Has she met with the government a couple times
19 to talk with us about her work she did at Mayra
20 Blair's office?

21 A Yes, she has.

22 Q Okay. And is Diana Ortiz afraid of Mayra Blair?

23 A She's mortified of Ms. Blair.

24 Q Could you be more specific of -- well, let's do
25 this. You testified that you met with her on a

1 couple of occasions?

2 A Several times, yes.

3 Q Okay. Who was there for that meeting?

4 A Myself, Agent Barto, agents with HSI, yourself,
5 and Wendy Boles (phonetic) with the postal service.

6 Q And when you testified she's mortified, how do
7 you know she's mortified?

8 A She was absolutely a blubbering mess. She was
9 trembling, bawling her eyes out. I mean nose
10 running, mouth spitting. I mean she was visibly
11 almost sick when we got to the point of talking about
12 Ms. Blair.

13 Q And did she say why she feared Ms. Blair?

14 A Yes.

15 Q What was the reason?

16 A That Ms. Blair practices witchcraft, and she's
17 terrified of that.

18 MR. CURRIER: Hearsay.

19 MR. DALE: Hearsay is admissible in a
20 detention hearing, Your Honor.

21 MR. CURRIER: It is.

22 THE COURT: All right.

23 MR. CURRIER: However, if I may, Your
24 Honor.

25 THE COURT: Yes, you may.

1 MR. CURRIER: And although it is admitted
2 it is normally required to have some degree of
3 relevance and ration. The word used was mortified.
4 Mortified does not generally mean fear exactly. It
5 means embarrassed. And I would like to suggest to
6 the Court that it might very well be that Ms. Ortiz
7 was embarrassed because she was lying.

8 THE COURT: Again, an argument to be made,
9 not a legal basis for an objection.

10 MR. CURRIER: All right, sir.

11 THE COURT: I'm going to overrule the
12 objection.

13 You may proceed.

14 BY MR. DALE:

15 Q Special Agent Grove, if instead of saying
16 mortified, would terrified work just as well?

17 A Horried, terrorized, yes.

18 Q Okay. And you said witchcraft. More
19 specifically was it Santa Muerte?

20 A Well, that was part of it.

21 Q Okay. So S-a-n-t-a, m-u-e-r-t-e I think. Is
22 that right?

23 A I know how to say it. I don't know how to spell
24 it.

25 Q All right. Was a search warrant executed at

1 Ms. Blair's office?

2 A Yes, it was.

3 Q And I'll ask you if this is a picture that was
4 taken at the search?

5 THE COURT: Do you care to tell me when?

6 THE WITNESS: December 16th of 2014.

7 THE COURT: Okay. Thank you.

8 BY MR. DALE:

9 Q And is this a picture that was taken in
10 conjunction with the search?

11 A Yes.

12 MR. DALE: Okay. I'm going to move to
13 admit Exhibit 3 into evidence.

14 THE COURT: Okay. Any objection?

15 MR. CURRIER: I would again raise the
16 question of relevance.

17 THE COURT: What's the relevance, Mr. Dale?

18 MR. DALE: If I could ask the witness a
19 question about this, I think it could establish the
20 relevance, and then I'll move again.

21 THE COURT: Ask him and then move again.

22 BY MR. DALE:

23 Q Okay. Is this a Santa Muerte altar that was at
24 Ms. Blair's office?

25 A Yes.

1 MR. DALE: Okay. I'll now move for
2 admission.

3 THE COURT: Okay. Any objection?

4 MR. CURRIER: Yes, Your Honor. If
5 necessary, may I voir dire the witness of his
6 knowledge of Santa Muerte, something he could not
7 spell a few moments ago?

8 THE COURT: Certainly you can cross-examine
9 him when it comes your turn.

10 MR. CURRIER: Thank you, sir.

11 THE COURT: Objection overruled. It will
12 come in as Exhibit 3.

13 (Exhibit No. 3 was admitted.)

14 BY MR. DALE:

15 Q Is this altar in substantially -- is a similar
16 altar still there?

17 A Yes.

18 Q Let me ask you, sir, if you could look on the
19 statue of Santa Muerte. Is there a photograph on
20 there?

21 A Yes, there is.

22 Q Okay. And did you see this same altar
23 yesterday?

24 A Yes.

25 Q Okay. How did you see it?

1 A We were executing the arrest warrant of
2 Ms. Blair.

3 Q And why would you then see -- well, where was it
4 located?

5 A It was located in the first door to the left as
6 you enter the business.

7 Q Okay. And so how did you have a reason to go
8 into that room?

9 A We do -- as we were executing the arrest
10 warrant, just to do a security sweep for officer
11 safety, we make sure there was nobody else in the
12 business while we're executing the arrest warrant.

13 Q And, sir, I show you what has been marked as
14 Government Exhibit 4. Is this a picture that was
15 taken yesterday at yesterday's search?

16 A Yes.

17 MR. DALE: Okay. I move to admit Exhibit 4
18 into evidence.

19 THE COURT: Any legal objection?

20 MR. CURRIER: None, Your Honor.

21 THE COURT: All right. It will come in as
22 Exhibit 4.

23 (Exhibit No. 4 was admitted.)

24 BY MR. DALE:

25 Q Did you snap a picture yourself yesterday?

1 A I did.

2 Q Let me show you Exhibit 5. Is that the picture
3 you took?

4 A It is.

5 Q And what do we see in this picture?

6 A You see the statue of Santa Muerte with Diana
7 Ortiz-Zarate's picture on it.

8 Q And you know that to be her photograph?

9 A Yes.

10 Q Why did you take this picture?

11 A I took this picture because Santa Muerte stands
12 for the Saint of Death, and seeing one of my
13 witnesses' photos on the statue alarmed me.

14 Q Why did it alarm you if you could be more
15 specific with the Court?

16 A To me it was a symbol of intimidation or a
17 symbol that Ms. Blair wanted harm to come to
18 Ms. Ortiz.

19 Q Now, you don't know that. You're just --

20 A That's just my opinion.

21 Q Okay. And now you're an IRS agent, a Special
22 Agent, but what kinds of investigations have you been
23 involved in?

24 A Most of my career -- I've been an agent for
25 almost 24 years -- the majority of my career I've

1 worked narcotics and money laundering investigations.

2 Q So is that the first time you've seen an altar
3 of Santa Muerte?

4 A No. I've seen several altars of Santa Muerte.

5 Q Okay. And what do you often see them in
6 conjunction with?

7 A Typically when I see an altar like this, it
8 involves a narcotics investigation, typically large
9 scale in that I do know that Mexican cartels often
10 pray to Santa Muerte to assist them and to pray for
11 them, for example, that their drug loads reach their
12 destination or that their couriers don't get
13 arrested. It's oftentimes prayed to by, you know,
14 the criminal enterprises of Mexico.

15 Q Okay.

16 MR. CURRIER: Objection, relevance now,
17 Your Honor. Yesterday in the hearings it was said I
18 believe by the government that this was not a drug
19 case. Therefore, all of this testimony I would move
20 be stricken.

21 THE COURT: All right. How is it relevant
22 that drug dealers he's known in the past pray to it
23 for success in drug dealing?

24 MR. DALE: I think the connection here is
25 really his basis for taking a picture of this image

1 and his alarm that he saw his witness with her
2 picture displayed on an altar that does bear this
3 association. And that's the reason why I'm entering
4 this into evidence -- or I think the picture is
5 already into evidence.

6 THE COURT: It's not the picture that's an
7 issue; the picture is in evidence. The question is
8 his testimony going forward regarding what he's seen
9 in the past involving drug dealers. What's that have
10 to do with this case?

11 MR. DALE: It's the connection to the
12 criminal underworld, to a type of practice that is
13 associated with criminality with criminal actions,
14 and the impact of intimidation that this can have on
15 a person that is aware of that.

16 THE COURT: Is it your position that people
17 who have Santa Muerte statues are criminals?

18 MR. DALE: No, absolutely not, and we would
19 never offer that into evidence.

20 THE COURT: Is it your position that all
21 criminals have Santa Muerte statues?

22 MR. DALE: We're not saying that either.

23 THE COURT: What are you saying?

24 MR. DALE: We are saying that if you have
25 an individual who is from Mexico, living here

1 illegally, she can be manipulated and intimidated by
2 putting --

3 THE COURT: -- by putting her picture here?

4 MR. DALE: Yes. Yes.

5 THE COURT: You might want to get to that.

6 MR. DALE: I plan to, Your Honor.

7 THE COURT: Okay. I mean on illegal
8 aliens we don't really need much of a detention
9 hearing.

10 MR. DALE: Not Ms. Blair -- not Ms. Blair,
11 but Ms. Ortiz is in the country illegally.

12 THE COURT: It's not Ms. Ortiz's statue, is
13 it?

14 MR. DALE: It's her photograph.

15 THE COURT: I thought it was Ms. Blair's
16 statue.

17 MR. DALE: Well, if it were Ms. Ortiz's
18 statue, we wouldn't be here. We wouldn't be worried
19 about that. The relevance of this is that it is
20 Ms. Ortiz's photograph that is on Ms. Blair's statue.

21 THE COURT: It's not the photograph that is
22 in issue.

23 MR. DALE: Yes, sir.

24 THE COURT: That's been admitted.

25 MR. DALE: Okay.

1 THE COURT: It's you asking him to testify
2 about things he's seen in the past involving drug
3 dealers.

4 MR. DALE: Your Honor, I didn't ask -- I
5 didn't ask specifically for that. I just want --

6 THE COURT: Mr. Dale, I'm going to sustain
7 the objection.

8 MR. DALE: Okay.

9 THE COURT: Start over.

10 MR. DALE: Sir, at what point?

11 THE COURT: At any point you want.

12 MR. DALE: Okay. Very well.

13 THE COURT: I don't see any tie-in, and you
14 don't seem to be getting my questions to you. My
15 questions have to do with why is it relevant what
16 he's ever seen with drug dealers, and you keep going
17 back to the statue.

18 MR. DALE: Well, Your Honor, I thought I
19 answered that. And the question was why would this
20 relate to that. And it's just that it is a matter of
21 something that's connected to intimidation -- fear
22 and intimidation. That is the point here.

23 THE COURT: All right. I sustain the
24 objection.

25 MR. DALE: Okay.

1 BY MR. DALE:

2 Q Special Agent Grove, how would this be a
3 practice that could intimidate a witness? Why did it
4 concern you?

5 A Because after debriefing Ms. Ortiz, she made it
6 very clear that Ms. Ortiz believes in praying to
7 Santa Muerte and believes very deeply that Ms. Blair
8 is involved in witchcraft, and knowing that her
9 picture is on the statue is intimidating to her.

10 Q So it really is nothing at all to do with your
11 experience in narcotics investigations; it's simple
12 fact. Is that right?

13 A It was the simple fact that the Saint of Death
14 has a picture of my witness on it.

15 Q Okay. And did Ms. Ortiz tell you how that she
16 knew of these practices and how they created fear and
17 intimidation in her?

18 A She witnessed Ms. Blair practicing witchcraft.

19 Q Okay. Or doing practices that were consistent
20 with --

21 MS. BLAIR: (Inaudible.)

22 THE COURT: Just one second.

23 Mr. Currier, with all due respect, your
24 client is either going to have to withhold commentary
25 by utterances, or she'll just have to listen from

1 some distant point.

2 MR. CURRIER: Yes, sir.

3 THE COURT: If she can conduct herself
4 appropriately, we'll continue.

5 Do you understand that, Ms. Blair?

6 MS. BLAIR: Yes, sir.

7 THE COURT: If you don't like what he says,
8 that's fine, but I don't want a continuing
9 commentary.

10 MS. BLAIR: I'm sorry.

11 THE COURT: Okay. Go ahead.

12 BY MR. DALE:

13 Q Did Ms. Ortiz state that she had gone to the
14 graveyard with Ms. Blair before?

15 A Yes.

16 Q For what purpose?

17 A To dig up dirt.

18 Q For what purpose?

19 A So that she could spread the dirt on -- as part
20 of her witchcraft or curse that she was about to
21 perform, she needed graveyard dirt. So they went to
22 a graveyard and dug up some dirt.

23 Q Okay. Did she talk about putting oil and water
24 and dirt into places to destroy their businesses?

25 MR. CURRIER: Objection, leading.

1 MR. DALE: Leading is permissible in a
2 detention hearing, Your Honor.

3 THE COURT: Well, technically it is, and
4 none of the rules apply so I get to apply them myself
5 whatever I want to. And, you know, my rule; I'll let
6 you some leniency, but just let the witness testify.
7 It's not going to avail you a lot if I just have you
8 testifying what he's told you what somebody else told
9 him. Even if it's, quote, admissible and I give it
10 no weight, what good is that?

11 MR. DALE: Absolutely.

12 THE COURT: So let's let him testify
13 instead of you.

14 MR. DALE: Very well.

15 BY MR. DALE:

16 Q Well, describe some of the practices that she
17 said she had engaged in.

18 A Well, in addition to escorting Ms. Blair to the
19 graveyard to get the dirt Ms. Blair would also spread
20 oil, water, and this graveyard dirt in front of
21 businesses to curse the business.

22 And Ms. Ortiz stated that on occasion those
23 businesses would be out of business within a matter
24 of days or weeks, and to Ms. Ortiz that was a symbol
25 that the curse actually worked.

1 Q Okay. So she'd seen her do this then?

2 A Yes. She also went with her on a time when she
3 actually watched Ms. Blair do this.

4 Q Has Ms. Blair attempted to contact Ms. Ortiz's
5 minor daughter?

6 A Yes.

7 Q How do you know?

8 A Diana told me -- Ms. Ortiz told me.

9 Q Okay. Had she had contact with her prior to her
10 getting into this case?

11 A Not that I'm aware of.

12 Q Okay. Did she express concern over that
13 contact --

14 A Yes --

15 Q -- attempted contact?

16 A -- absolutely.

17 Q Did Ms. Ortiz try to contact -- or did Ms. Blair
18 try to contact Ms. Ortiz's former boyfriend?

19 A Yes.

20 Q And was there any results of these attempted
21 contacts?

22 A Yes. They -- she was attempting to contact them
23 on such a regular basis that they ended up changing
24 their phone numbers so that Ms. Blair could not try
25 to reach out to them anymore.

1 THE COURT: Should I know when this
2 occurred, Mr. Dale?

3 MR. DALE: Yes, Your Honor. I'm sorry.

4 BY MR. DALE:

5 Q Did these attempted contacts occur after
6 Ms. Ortiz was arrested in conjunction with the
7 Indictment we looked at that is Exhibit 1?

8 A Yes, it was within the last couple of months.

9 Q Okay. While Ms. Ortiz was in custody?

10 A Correct.

11 Q Just to identify this -- and I'm going to bring
12 this up with my next witness -- but I have an
13 envelope here with jail letters. Have you seen this
14 before?

15 A Yes.

16 Q Okay. Were these provided by Blount County
17 Jail?

18 A Those were provided by Ms. Ortiz's attorney.

19 MR. DALE: Okay. Thank you.

20 Okay. I just wanted to establish this for
21 the witness, and we'll be talking about those. And I
22 have no further questions for this witness at this
23 time.

24 THE COURT: All right. You may
25 cross-examine, Mr. Currier.

1 MR. CURRIER: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. CURRIER:

4 Q Sir, first of all, I'm Charles Currier, and I
5 have the honor of representing Mrs. Blair.

6 Did you have an occasion to -- do you know how
7 many employees Ms. Blair had?

8 A Forever, or recently? At what time?

9 Q In the time of the last year or so since the
10 bringing of this case.

11 A I only know of two employees and herself.

12 Q Okay. And who are those employees?

13 A Diana, Ana, and herself.

14 Q Okay. So you are not aware for instance of an
15 employee, at least casual, part-time, named Schultz
16 (phonetic)?

17 A I have no idea who that person is.

18 Q Okay. Fair enough. And do you know the woman
19 you call Ana?

20 A I do not know her personally.

21 Q Have you ever met her?

22 A No.

23 Q Have you ever chatted with her?

24 A No.

25 Q Have you ever tried to?

1 A Not me personally, no.

2 Q Have officers or agents of your agency as a part
3 of this investigation attempted to do so?

4 A Not that I can recall.

5 Q Are you familiar with the general plan of
6 investigation and actions of your agency with regard
7 to this case?

8 A Yes.

9 Q Would you be the person to know whether or not
10 someone was intending to interview -- to give her
11 full name, Anabel Orduna?

12 MR. DALE: Your Honor, I would object.
13 This is outside the scope of the direct examination,
14 and it appears irrelevant.

15 THE COURT: Overruled.

16 MR. CURRIER: Thank you, Your Honor.

17 THE COURT: But if you keep getting those,
18 we're going to have to move on.

19 MR. CURRIER: Yes, sir.

20 BY MR. CURRIER:

21 Q Have you ever seen a picture of her?

22 A I'm sure I have.

23 Q Do you see her in this courtroom?

24 A I couldn't pick her out.

25 Q Fair enough. Okay. Are you aware that

1 Ms. Zarate wrote a letter or actually a postcard from
2 the jail to Ms. Anabel Orduna?

3 A Yes.

4 Q Have you seen that or seen a copy of it?

5 A Yes.

6 Q Okay. Did you see it perhaps before it went out
7 of the jail?

8 A No.

9 Q When did you get a copy?

10 A Just before court.

11 Q Oh, okay. When I tendered one to the
12 government. Okay.

13 You use the word mortified --

14 A Yes.

15 Q -- and you are a professional man. I suspect
16 you've been through at least college.

17 A Thank you, yes.

18 Q Probably graduate school. Maybe you're a CPA.
19 I don't know. What is your background?

20 A I have a Bachelor's Degree in Criminal Justice
21 and Accounting.

22 Q Okay. Fair enough. Where did you get that,
23 sir?

24 A The University of Maryland.

25 Q Now, you use the word mortified. Would you not

1 agree that the word mortified also includes within it
2 the meaning embarrassed?

3 A That is not the way I used it.

4 Q Okay. You have made reference to the various
5 exhibits which have been entered that show a
6 photograph of what you assert to be a statue of --
7 how did you say that again?

8 A Santa Muerte.

9 Q -- Santa Muerte.

10 Did you ask your defendant, Ms. Ortiz-Zarate,
11 who put that picture and that statue in the place
12 where she was?

13 A No.

14 Q Do you have any idea who put it there?

15 A No.

16 Q Was it there when you arrested her?

17 A Who? When I arrested who?

18 Q Were you involved with the arrest of Ms. Diana
19 Ortiz-Zarate?

20 A Not directly.

21 Q Okay. Did you go to the crime scene shortly or
22 immediately after she was arrested?

23 A No.

24 Q Are any of the officers who did go there here in
25 this courtroom? You probably know.

1 A No. Actually I don't remember who did the
2 arrest of Ms. Ortiz.

3 Q Do you have a copy of the report? I assume your
4 organization does reports if people are arrested.

5 A I do not have a copy of that.

6 Q Is there such a report?

7 A I have no idea. I didn't write --

8 Q Fair enough. Do you have pictures of the
9 alleged crime scene in which Ms. Ortiz was arrested?

10 A Do I right here?

11 Q Yes, or do you anywhere.

12 A No, I don't have them right here, and I don't
13 know if there are pictures of the crime scene where
14 Ms. Ortiz was arrested.

15 Q Would you be startled by an assertion that it
16 was Ms. Ortiz herself who put up that statue and
17 adorned it with that photograph?

18 A I have no idea who put that photograph there.

19 Q Okay. Would you be startled to hear this statue
20 was put there by Ms. Ortiz?

21 A I just don't know who put it there.

22 Q Fine. Let's go back. In your opinion you cite
23 lots of experience. Is it a good thing to have a
24 picture of yourself next to one of these statues?

25 A Again, I don't practice this religion. As I

1 testified earlier --

2 Q Would you agree that the implication --

3 I'm sorry. Please, continue. I didn't mean to
4 cut you off.

5 A As I said before, I know that statue to be the
6 Saint of Death. Having my witness on it certainly
7 made me uncomfortable.

8 Q Okay. Now, on this supposed Saint of Death will
9 you agree that your usage and your interpretation is
10 that it was a hostile act by somebody?

11 A I think I said that. Having your picture on the
12 Saint of Death to me is not a good thing.

13 Q Okay. So if evidence were to be adduced, as you
14 were not there, that that was in fact there at the
15 time of her arrest and that it was she herself who
16 put it there, would that be relevant to this
17 discussion as to whether or not this woman is here to
18 terrorize Ms. Ortiz, and society and Ms. Ortiz, who
19 is locked up, need to be protected from her?

20 A You're asking me to make an opinion on who put
21 it there and what it would mean?

22 Q No. I'm asserting to you that I propose to use
23 evidence that Ms. Ortiz herself put it there.

24 A Well, I don't have an opinion on a scenario that
25 I don't know to be true.

1 Q Fair enough. We'll go on.

2 Now, have you in the course of your
3 investigations in this case ever met with the
4 defendant, Ms. Blair?

5 A Only during her arrest.

6 Q Okay. Now, when you went there during her
7 arrest, you took a picture of the -- you presented as
8 your evidence the photograph of the, as you put it,
9 Angel of Death with a picture of Ms. Ortiz. Is that
10 correct?

11 MR. DALE: Objection. That
12 mischaracterizes the agent's testimony.

13 THE COURT: Rephrase your question.

14 MR. CURRIER: Very good, sir.

15 BY MR. CURRIER:

16 Q Did you take the photograph --

17 I think Exhibit 4 -- 5 my colleague tells me.
18 Thank you.

19 -- 5 which shows the arresting and the thing you
20 describe as an altar with a statue you have
21 described?

22 A I took that picture, yes.

23 Q You took that picture?

24 A Yes.

25 Q Fine. You took that picture for a purpose.

1 You're an investigator?

2 A Yes.

3 Q That purpose was to incriminate this woman,
4 Mrs. Blair, to show that she was -- that something
5 was going on. You took a picture --

6 You're an experienced, multi-year, educated
7 officer of the U.S. Government?

8 A Yes.

9 Q -- to incriminate her?

10 A No. I was answering you that I am an
11 experienced, multi-year agent, yes.

12 Q And your purpose in taking the picture?

13 A Because I saw a picture of my witness on a
14 statue of what I know to be the Saint of Death.

15 Q Okay. All right. Now, did you participate in
16 the questioning of Mrs. Ortiz?

17 A Yes.

18 Q Okay. Were you the principal person who
19 questioned her, or were there many?

20 A There were many. I wouldn't say I was the
21 principal by any stretch.

22 Q Did you talk about the substantive allegations
23 of these charges, not just the presence here?

24 A You mean talking about the overall conspiracy?

25 Q Yes, what you allege.

1 A Yes.

2 Q Okay. Did you do any cross-checking to see if
3 the allegations that you heard from Ms. Ortiz were in
4 fact real and true?

5 A Of course.

6 Q Okay. Some of those tax returns, as I remember,
7 had a rubber stamp or a signature of a man who is I
8 think posing himself out as --

9 (Mr. Currier and the defendant held a
10 discussion off the record.)

11 BY MR. CURRIER:

12 Q A Johnston -- a Mr. William Johnston?

13 A Yes.

14 Q Did you ask her about his role in this?

15 A Yes.

16 Q As hearsay is admissible, what was his role?

17 A He was the tax return preparer that Ms. Blair's
18 agency would use to prepare -- he was an actual
19 return preparer, so they would use his name on the
20 returns that they prepared.

21 Q He was an actual preparer in the sense that he
22 prepared tax returns and had a PTIN?

23 A Correct.

24 Q And if people had asserted he was an accountant,
25 did your investigation reveal if that was accurate or

1 not?

2 A I don't know what -- he is a return preparer. I
3 don't know whether she's a CPA or accountant.

4 Q Very well. We'll go forward.

5 Now, are you aware that the defendant has strong
6 ties here in Knoxville and East Tennessee?

7 A I have no idea.

8 Q You have no idea?

9 A No.

10 Q How many --

11 A I don't know Ms. Blair personally.

12 Q I understand, but your agency has conducted an
13 investigation, and you have been one of the leading
14 agents in it.

15 How many people are in her family?

16 A I have no idea.

17 Q Have you any specific document or other piece of
18 evidence that shows that this woman has threatened,
19 urged harm, or done or suggested evil things might
20 happen, or anything else that would likely be deemed
21 witness tampering against Mrs. Blair (as stated)?

22 A I don't have anything in writing.

23 THE COURT: "Against Mrs. Blair?"

24 MR. CURRIER: Mrs. Blair, this lady.

25 BY MR. CURRIER:

1 Q Did --

2 THE COURT: It sounded like --

3 BY MR. CURRIER:

4 Q Okay. I'm sorry. Against --

5 I apologize. I misspoke. Excuse me, Special
6 Agent.

7 -- against Mrs. Ortiz by Mrs. Blair?

8 A I do not have any documents.

9 Q Okay. Do you have anything, recordings, hearsay
10 testimony, that you'd like to introduce?

11 A I've already introduced my testimony.

12 Q So nothing. Okay. Do you have any reason to
13 believe that she would flee this jurisdiction?

14 A Yes.

15 Q Okay. What is that reason?

16 A She wrote a letter to Diana in jail, which I
17 think is actually introduced, or it's going to be --
18 this is going to be addressed by the next witness,
19 but there is a letter she wrote to Diana that stated
20 that if Diana was to bond out, that she and Ms. Blair
21 would immediately go to Mexico.

22 Q We haven't seen this so --

23 A You asked.

24 Q I did ask, and I'm glad to find out.

25 Now, of what country, if you know, is Ms. Blair

1 a citizen?

2 A I don't know.

3 Q Would it surprise you if I said she's a citizen
4 of the United States?

5 A No.

6 Q All right.

7 MR. CURRIER: One moment please, Your
8 Honor.

9 THE COURT: Mr. Currier, take your time.

10 (A discussion was held off the record
11 between Mr. Currier, Ms. Blair, and
12 the interpreter.)

13 BY MR. CURRIER:

14 Q You have said this is not yet part of the
15 record, sir. I assume that shortly we will be seeing
16 the actual letter to which you were referring?

17 A You will.

18 MR. CURRIER: Okay. Then subject to that,
19 Your Honor, I have no further questions at this time.

20 THE COURT: All right. Any redirect,
21 Mr. Dale?

22 MR. DALE: Very briefly.

23 REDIRECT EXAMINATION

24 BY MR. DALE:

25 Q Special Agent Grove, how do you know that it was

1 Ms. Ortiz's picture on that Santa Muerte figure?

2 A Well, I've seen her several times, and she said
3 it was her picture.

4 Q When did she say it?

5 A Last night.

6 Q So she was seeing it before she got locked up?

7 A Correct.

8 Q Did she say that she put that picture on the
9 figure?

10 A No.

11 Q Where was Diana Ortiz arrested?

12 A I believe it was at the shop at Alcoa Highway.

13 Q Okay. And where was the location where the
14 Santa Muerte altar is located?

15 A That was at the Kingston Pike location.

16 Q Different locations?

17 A Downtown West. Excuse me. Yes.

18 Q And there was some testimony about
19 Mr. Johnston's name being on returns?

20 A Correct.

21 Q Do you recall that?

22 A Yes.

23 Q And did Ms. Blair put Mr. Johnston's name on
24 returns without his permission?

25 A Yes.

1 Q How do you know that?

2 A He told me, and he signed -- and she would sign
3 his name.

4 MR. DALE: Nothing further at this time.

5 THE COURT: Mr. Currier, real quickly on
6 any of those issues?

7 MR. CURRIER: Yes, sir.

8 RECROSS-EXAMINATION

9 BY MR. CURRIER:

10 Q You showed Ms. Ortiz the photograph you later
11 entered into evidence?

12 A No.

13 Q Oh, so how did she know about the statue with
14 her picture on it?

15 A She had seen it before she got arrested.

16 Q Awe, she'd seen it in that office. But you also
17 made the point, did you not, sir, that that identical
18 or similar alleged altar was in the office where she
19 was arrested, correct?

20 A No. Where Ms. Blair was arrested.

21 Q No. Where Ms. Ortiz was arrested on Alcoa
22 Highway?

23 A No. Both of those shrines that have been
24 admitted are both at the Kingston -- Downtown West
25 location.

1 MR. CURRIER: Okay. Thank you.

2 THE COURT: Anything else, Mr. Dale?

3 REDIRECT EXAMINATION

4 BY MR. DALE:

5 Q Just to clarify your last answer, there was one
6 shrine and several photos that were put into
7 evidence, right?

8 A Yes.

9 Q And that shrine --

10 A The shrine -- it is the same shrine. There was
11 different offerings on the shrine, but all the
12 pictures are of the room as you entered to the left
13 of the Downtown West location.

14 MR. DALE: Okay. Nothing further. Thank
15 you.

16 THE COURT: I don't want to belabor it; I'm
17 a little confused.

18 THE WITNESS: I'm sorry.

19 THE COURT: If she didn't see the
20 picture --

21 THE WITNESS: She did not see the picture
22 that I took yesterday.

23 THE COURT: -- how was she able to say,
24 "That's my picture?"

25 THE WITNESS: She saw it prior to being

1 arrested, so she didn't see my picture --

2 THE COURT: What did she say?

3 THE WITNESS: She knew that her picture was
4 on the shrine prior to being arrested. So when we
5 spoke to her last night, she said that she knew that
6 her -- that she had seen her picture on that shrine
7 prior to being arrested.

8 MR. DALE: Your Honor, if I may, just to
9 clear this up.

10 THE COURT: All right.

11 MR. DALE: Your Honor, the photograph
12 that's marked as Exhibit 3 is the one that was taken
13 at the execution of the search warrant in December.

14 THE COURT: Right.

15 MR. DALE: That was the day when Ms. Ortiz
16 was taken into custody. And then Exhibit 5 that
17 Mr. Grove is talking about is the picture taken
18 yesterday. So it is the same altar and the same
19 picture.

20 THE COURT: I totally understand that.

21 MR. DALE: Okay.

22 THE COURT: What I don't understand is how
23 Ms. Ortiz said, "That's my picture" and she wasn't
24 shown anything. You just showed me Exhibit 5, and
25 you're proffering that's Ms. Ortiz's picture.

1 MR. DALE: Yes.

2 THE COURT: He was asked, "Did you show
3 that to Ms. Ortiz? No, I did not." But he also said
4 to you, "Ms. Ortiz says that's her picture." How can
5 she say, "That's my picture," if she hasn't seen it?

6 MR. DALE: Okay. Because she had seen the
7 altar, which is photographed in Exhibit 3. She'd
8 been there. She'd seen it. She knew about it. She
9 knew, "Yeah, that's my picture," a photograph taken
10 on the day that Ms. Ortiz was arrested. And the same
11 photo was there yesterday. And so that's the reason.

12 THE COURT: Okay. So she's not saying that
13 she saw the photograph to confirm the photograph in
14 Exhibit 5 is her picture; she's confirming that some
15 picture of her was up months ago.

16 BY MR. DALE:

17 Q Special Agent Grove, is that her picture?

18 A Yes.

19 MR. DALE: Okay.

20 THE COURT: Okay. That's all. You can
21 step down.

22 Call your next witness.

23 MR. DALE: The United States calls David
24 Vicente-Pena.

25 THE COURTROOM DEPUTY: Raise your right

1 hand.

2 Do you solemnly swear or affirm your
3 testimony will be the truth, the whole truth and
4 nothing but the truth, so help you God?

5 THE WITNESS: I do.

6 THE COURTROOM DEPUTY: If you will have a
7 seat, and if you will state and spell your name for
8 the record.

9 THE WITNESS: My name is David Vincente,
10 D-a-v-i-d, V-i-c-e-n-t-e.

11 THE COURTROOM DEPUTY: Thank you.

12 DAVID VICENTE,
13 having been first duly sworn, was
14 examined and testified as follows:

15 DIRECT EXAMINATION.

16 BY MR. DALE:

17 Q Good afternoon, Mr. Vincente. Could you please
18 tell the Court where you work.

19 A I am a Deportation Officer for Immigration and
20 Customs Enforcement in Knoxville, Tennessee, sir.

21 Q And how do you have familiarity with this case?

22 A At the beginning of this case I was notified
23 through our colleagues at HSI for my help since we
24 knew that we were possibly going to be encountering
25 foreign born people from other countries. So they

1 called me in to see if I could help with my Spanish
2 speaking ability, sir.

3 Q And let's talk about that. Are you fluent in
4 both English and Spanish?

5 A Yes, sir.

6 Q How did you develop fluency in Spanish?

7 A I am from Puerto Rico. I was born in Jersey
8 City from a Puerto Rican family. There our custom is
9 to speak Spanish at the house, learn English outside.
10 I moved to Puerto Rico and obviously polished my
11 Spanish while I was there, sir.

12 Q And have you developed familiarity with cultural
13 practices in Mexico?

14 A Through my job, sir, here as a Deportation
15 Officer I have the ability to -- I'm able to learn
16 some customs from different countries, to include
17 South America, sir.

18 Q And through your involvement in this
19 investigation do you know whether Ms. Blair has
20 contacts in Mexico?

21 A Yes, sir.

22 Q Does she?

23 A Yes.

24 Q In fact, her husband is from Mexico, isn't he?

25 A Based on our investigation that I did on

1 Ms. Mayra's husband, as of right now he has an I-130
2 pending, which is a petition for an alien relative.

3 Q Okay. And based upon defense counsel's
4 representation yesterday, he's in this country
5 presently illegally. Is that right?

6 A Based on our law, sir, even though he has a
7 petition pending, it does not give Ms. Mayra's
8 husband any legal right to be here in the United
9 States legally, sir.

10 Q Okay. If Ms. Blair wanted --

11 Now, Ms. Blair is a naturalized U.S. citizen,
12 isn't she?

13 A Yes, sir.

14 Q Okay. Do you know where she was born?

15 A In Mexico, sir.

16 Q Okay. Do you know where in Mexico?

17 A I don't know, sir.

18 Q Okay. If she wanted to flee this country to
19 Mexico, how difficult would it be to get into Mexico?

20 A Well, based on my experience as -- not as a
21 border patrol agent but in conversation and people
22 that I know throughout this job in conversation that
23 I have had, Ms. Mayra -- it will be fairly easy for
24 her to go to Mexico as a U.S. citizen as her rightful
25 way, sir.

1 Q Would she need a passport to get into Mexico?

2 A No, sir.

3 Q Assuming she wanted to get a false
4 identification, could she do that?

5 A I do not know the answer to that.

6 MR. CURRIER: Objection, Your Honor.

7 MR. DALE: I'll rephrase it, Your Honor.

8 THE COURT: I'll overrule the objection.

9 THE WITNESS: Yes, sir.

10 BY MR. DALE:

11 Q In your experience in your job have you seen
12 false identification documents obtained by illegal
13 immigrants?

14 A That is correct, sir.

15 Q And could you tell the Court how easy or how
16 difficult it is to get such a document?

17 A Based on my experience, I have had the
18 opportunity to work with other federal entities
19 involving that type of crime, sir, and based on my
20 experience, I will tell you that it would be fairly
21 easy to obtain some type of false identification in
22 this area, sir.

23 Q Like a Mexican Consulate card, could that be
24 obtained?

25 A Yes, sir.

1 Q How much would it cost?

2 A Well, we have -- as part of our investigation
3 when we encounter a subject in our office, based on
4 what they have as property, part of the investigation
5 is what we call intel, and I have heard rates from
6 \$50 to a 500-dollar package, sir.

7 Q Okay. And this present case involves falsified
8 documents, doesn't it?

9 A Yes, sir.

10 Q Okay. Now, Ms. Ortiz does not speak very much
11 English, does she?

12 A Well, when I was -- as far as I've been in her
13 presence, she has been able somewhat to communicate
14 with other agents, sir.

15 Q Did you have a conversation with her yesterday
16 evening?

17 A Yes, I did, sir.

18 Q Okay. In English or in Spanish?

19 A With Ms. Mayra?

20 Q No, with Ms. Ortiz.

21 A Ms. Ortiz. I'm so sorry. I apologize to the
22 Court.

23 I was able to have a lengthy Spanish
24 conversation with Ms. Ortiz.

25 Q Okay. Did she confirm to you that there had

1 been unwanted text messages from Ms. Blair to
2 Ms. Ortiz's minor daughter?

3 A That is correct, sir.

4 Q Did Ms. Blair ever write to Ms. Ortiz at the
5 Blount County Jail?

6 A Yes, sir.

7 Q Did Ms. Ortiz ever write back to her?

8 A As we were shown today, once, sir.

9 Q To Ms. Blair -- Ortiz to Ms. Blair?

10 A Ortiz to Ms. Blair, sir, was the letter shown to
11 us.

12 Q Was that a letter to somebody named Ana?

13 A Based on my recollection, yes, sir. I'm sorry
14 for --

15 Q Okay.

16 A -- confusing both names.

17 Q Did Ms. Ortiz put Ms. Blair on her visitor list?

18 A Based on the letter, she said she was not able
19 to, sir.

20 Q Okay.

21 A It is stated on the letter in writing.

22 Q We'll come back to the letters in just a moment,
23 but do you know if Ms. Blair ever asked anyone to
24 translate documents for her?

25 A Yes, sir.

1 Q Okay. And were you provided copies of those
2 e-mails to look at today?

3 A Yes, sir. Today I did, sir.

4 Q I'm going to show you at the same time
5 documents, Exhibit 6 and Exhibit 7, and ask if you
6 can identify those documents.

7 A Yes, sir. I have to see them on my screen.

8 Q Okay.

9 MR. CURRIER: Could we see them
10 individually, sir. They're overlapped, at least on
11 my screen.

12 MR. DALE: Oh, absolutely.

13 BY MR. DALE:

14 Q That's Exhibit 6. And Exhibit 7. (Showing.)

15 A Thank you, sir.

16 Q Both dated February the 15th, 2013?

17 A Yes, sir.

18 Q Part of the same e-mail exchange. Is that
19 right?

20 A That is correct, sir.

21 Q And do they deal with the translation of
22 documents?

23 A Yes, sir, based on the conversation in these
24 e-mails, sir.

25 MR. CURRIER: Could we either see a hard

1 copy or borrow the screen for a minute so my
2 interpreter can --

3 MR. DALE: Certainly. And I'm going to
4 help with that in just a sec here.

5 I'd like to move to admit Exhibit 7 into
6 evidence.

7 MR. CURRIER: May I at least look at it
8 intelligently with someone who can help me with the
9 Spanish?

10 MR. DALE: Let's do this then --

11 THE COURT: I don't know what it is except
12 you said it's an e-mail and the date of it. I don't
13 know who it's from, who it's to, what it's about.

14 MR. DALE: Okay. Well, let's establish
15 that first.

16 THE COURT: That'd be good.

17 MR. DALE: Because I thought I asked were
18 these e-mails and were they dealing with the
19 translation of documents, but let's make this clear.

20 BY MR. DALE:

21 Q Was this, sir, a letter from -- an e-mail from
22 Mayra Moreno to Sandra Jacome?

23 THE COURT: Wait a minute. From who?

24 MR. DALE: Mayra Moreno.

25 THE WITNESS: Yes, sir.

1 BY MR. DALE:

2 Q Okay. Is that a name that Mayra Blair has used?

3 A Yes, sir.

4 Q Okay. To Sandra Jacome.

5 A Sandra Jacome, yes, sir.

6 Q Is that person a translator?

7 A Yes, sir.

8 Q Okay. And could you please read what the
9 statement down here at the bottom from Sandra -- to
10 Mayra from Sandra says --

11 A Yes, sir.

12 Q -- please.

13 A [Reading document out loud in Spanish.]

14 THE COURT: Now, wait a minute. The court
15 reporter is not going to be able to get that down.

16 MR. DALE: I couldn't get that down either,
17 Your Honor, but I'm going to ask Mr. Vincente if he
18 could translate it after he reads it.

19 THE COURT: Why are you having him read it?

20 MR. DALE: So he can translate it -- so
21 it's clear what we're having him translate.

22 THE COURT: Okay. I thought it was in
23 front of him, but go ahead.

24 If you need to read it out loud in order to
25 translate it, go ahead.

1 BY MR. DALE:

2 Q Sir, could you just tell us what this line means
3 that I've underlined here, (pointing).

4 A Yes, sir.

5 Q I'm sorry. Let me just clear this mess out.
6 This line here that begins with [reading document out
7 loud in Spanish]. What does that mean?

8 A "This license is very obviously falsified. Do
9 you want me to translate?"

10 Q Okay. And what is the response?

11 A In English, sir?

12 Q In English, please.

13 A Yes, sir. "I have no way to verify the
14 documents, if they are real or not, is what they
15 bring me. Here we just take documents. Yes,
16 translate, please."

17 MR. DALE: And I'll move now to admit
18 Exhibit 7 into evidence.

19 THE COURT: All right.

20 MR. CURRIER: Your Honor, may I? I'm
21 sorry.

22 THE COURT: Go ahead.

23 MR. CURRIER: May I note, first of all,
24 this doesn't appear to have anything to do with
25 danger or flight.

1 THE COURT: A good argument later.

2 MR. CURRIER: Yes, I accept that. But this
3 document in Spanish does not seem to do anything
4 other than be an inquiry about whether a document --
5 what does the document say as interpreted by the
6 gentleman on the stand, going with his
7 interpretation.

8 THE COURT: I agree.

9 I have no idea what this is about,
10 Mr. Dale. You have Mayra Moreno writing to a
11 translator. Somebody says, "This license is
12 falsified." Somebody responds, "Yes, translate."

13 MR. DALE: Okay.

14 THE COURT: But I still have no idea what
15 they're talking about or what it has to do with this
16 case.

17 MR. DALE: Well, let me back up then.

18 BY MR. DALE:

19 Q We've already established, Mr. Vincente, that
20 Mayra Moreno is a name that is used by Mayra Blair.
21 Is that right?

22 A Yes, sir.

23 Q Okay. And in the course of this investigation I
24 think you testified already that this case involves
25 the use of false documents. Is that right?

1 A Yes, sir.

2 Q Okay. And based upon your knowledge of this
3 case, would she have a translator translate
4 documents?

5 A Yes, sir.

6 Q Okay. And on occasion would the translator say,
7 "No, I can't translate this document, because it is
8 obviously falsified?"

9 A In that e-mail right there she's asking her and
10 telling her it's obviously falsified, yes.

11 Q And would Ms. Blair write back, "I have no way
12 of knowing if the document is false or not. All we
13 do here is accept them?"

14 A That is correct, sir.

15 MR. DALE: We move to admit Exhibit 7 into
16 evidence.

17 MR. CURRIER: If we could perhaps go a
18 little further into voir dire.

19 THE COURT: I'm going to let it in, and
20 you'll have to try to tell me its import.

21 (Exhibit No. 7 was admitted.)

22 MR. DALE: Your Honor, one of the factors
23 in this case is establishing that we have a solid
24 case against the person we're seeking to be detained,
25 and this does this.

1 It also goes to the ease by which she can
2 get false documents. And that certainly is an issue
3 that applies to flight risk. I understand --

4 THE COURT: How do I know that from that?
5 She sent her it looks like a license that another
6 person said, "This is false."

7 MR. DALE: Yes.

8 THE COURT: How do I know she didn't spend
9 three years and \$800,000 to get that document as
10 opposed to you saying, Oh, and prove she could get it
11 easily? How do I know from this e-mail exchange?

12 MR. DALE: From this e-mail exchange you
13 probably can't know that.

14 THE COURT: Okay. So that's not relevant.
15 All I know is she sent something to somebody.

16 MR. DALE: Right.

17 THE COURT: And that somebody said, This
18 license is falsified. Do you want it translated?

19 MR. DALE: Yes.

20 MR. CURRIER: By the Court's own --

21 THE COURT: So if I sent something to an
22 interpreter and ask them to translate it and they say
23 it's falsified, does that make me a bad person?

24 MR. DALE: If your business involves the
25 use of false identifications and you sent a false

1 identification to a translator, and she tells you,
2 This thing is obviously false, and you say, I have no
3 way of knowing that, go ahead and translate it, then
4 yes.

5 THE COURT: Is translating a false document
6 a crime?

7 MR. DALE: It certainly is if you send it
8 in to establish an official document like an IRS
9 document.

10 MR. CURRIER: Objection, Your Honor, on a
11 point of privilege. My interpreter has just helped
12 me read this. Exhibit 7 nowhere says, Go ahead and
13 translate this false document.

14 There is a statement in Spanish by whoever
15 this is -- and we will adduce evidence that Mayra
16 Moreno was not only the human being sitting here as
17 defendant but some of her staff -- but also this
18 doesn't say that. It says, as Your Honor has ably
19 brought out, merely that she is asking for a
20 translation.

21 MR. DALE: Well, it is directed to a
22 "Hola, Mayra." And there's not been any testimony
23 that there's another Mayra that has worked there.

24 THE COURT: I'm not arguing that. What
25 does, "Yes, translate," mean?

1 MR. DALE: Your Honor, this is subject to
2 interpretation I think first and foremost by the
3 Court here. If there's a document and it's very
4 obviously false, and I say, "I have no way of knowing
5 that. Go ahead and translate it." Then you can draw
6 what inference you want from that.

7 MR. CURRIER: Okay. But to draw that
8 inference that this is an inculpatory document, Your
9 Honor, is going it one step too far. And I think --

10 THE COURT: I draw no inference from that.

11 MR. CURRIER: Thank you very much, Your
12 Honor.

13 THE COURT: I have asked people to
14 translate documents. I don't know if they're false
15 or not. You've asked him to translate a document. I
16 don't know if it's false or not.

17 I don't know what translating a document
18 has to do with anything relevant to this case unless
19 she did something with that translation that was
20 illegal or if it was to prove she couldn't read it
21 herself and needed it translated or something that I
22 could think of.

23 But just to introduce in evidence that she
24 sent a document to somebody and said, Please,
25 translate it, and they said, Well, it's obviously

1 false. And she said, Translate it anyway. I want to
2 know what it says. I don't get it.

3 MR. DALE: Okay.

4 THE COURT: Does that make her a flight
5 risk?

6 MR. DALE: Well, it goes to the strength of
7 the case, and it goes to the knowledge of falsified
8 identification documents.

9 BY MR. DALE:

10 Q Agent Vincente, do you know what was done with
11 the documents after they were translated?

12 A I do not know, sir.

13 Q Okay. I may have to call another witness on
14 that issue.

15 Let's look at Exhibit 6 then.

16 A Yes, sir.

17 Q Could you please read to us what it says at the
18 bottom from Sandra Jacome to Mayra Moreno.

19 A You want me to read the English version, right,
20 sir?

21 Q Please, yes, sir.

22 A "It is morally difficult for me to translate
23 documents which are confirmed to be falsified. I
24 also put my job as a court interpreter at risk. I
25 could translate them for you but I will have to --

1 but I know at the bottom stating that they are
2 nongovernment issue. It is my job to verify the
3 veracity of documents before translating them."

4 Q Okay. And what is the response above, dated
5 February 15th, 2013?

6 A Ms. Mayra Moreno's response?

7 Q Yes. If you could read the Spanish text but
8 read it in English, please.

9 A Yes, sir. "Of course I understand your point of
10 view. And as for me, I also have any problems since
11 I don't have a way to verify the veracity of the
12 documents. And I also would not like to get into any
13 trouble. So as for me, no problem, girlfriend."

14 MR. DALE: Okay. Move to admit Exhibit 6
15 into evidence, please.

16 THE COURT: All right. Any objection?

17 MR. CURRIER: None at the moment, Your
18 Honor.

19 THE COURT: All right.

20 (Exhibit No. 6 was admitted.)

21 BY MR. DALE:

22 Q Let me show you Exhibit 8. It's the first page.
23 And there are some identification documents that are
24 attached to this, are there not?

25 A Yes, sir.

1 Q What kind of document is this, please?

2 MR. CURRIER: Could we be specific for the
3 record. I note on the screen something with the
4 letter A in white on a green background that says
5 [reading document out loud in Spanish] and has some
6 numbers.

7 BY MR. DALE:

8 Q Is this a Mexican driver's license?

9 A From what I'm seeing here on the screen and what
10 is the title of it, [reading document out loud in
11 Spanish], it's a license to drive.

12 Q Okay.

13 THE COURT: Is that one page of a
14 multi-page document?

15 MR. DALE: Yes, it is, Your Honor. All
16 this constitutes Exhibit 8.

17 THE COURT: Okay.

18 BY MR. DALE:

19 Q And does this last page have a note from the
20 translator regarding what appears to be false
21 information on the document?

22 A As per the translator here on the note, sir,
23 yes.

24 MR. DALE: Okay. I'm going to move to
25 admit Exhibit 8 into evidence.

1 MR. CURRIER: Objection, Your Honor. I
2 raise relevance, and I would like to have a chance to
3 examine it for a second at least with my own
4 interpreter.

5 THE COURT: All right. What relevance is
6 it, Mr. Dale?

7 MR. DALE: It's the same as the others,
8 Your Honor. It is an attempt to have documents
9 translated that are very obviously falsified --

10 THE COURT: All I saw was a Mexican
11 driver's license and some question about whether the
12 last page identified what was false in the Mexican
13 driver's license.

14 I don't know who it was from, who it was
15 to, what it was about, when it was sent. I don't
16 know one thing about it that has anything to do with
17 this case other than he identified a driver's license
18 and what's false about it.

19 MR. DALE: Okay.

20 THE COURT: Was that driver's license used
21 in this case? In other words, I could come up with a
22 false Mexican driver's license, and why would I make
23 it an exhibit?

24 I mean if it was used in this case, if
25 Ms. Moreno used it, if somebody used it, if it was

1 used to falsify returns, I don't know. Just
2 identifying a false Mexican driver's license, what
3 does that tell me about whether I should let her go
4 or not?

5 BY MR. DALE:

6 Q Well, let me ask this, does this exhibit,
7 Exhibit 8, indicate a conversation and communication
8 between Mayra Blair and Sandra Jacome, the
9 interpreter, regarding the translation of documents
10 that are false?

11 MR. CURRIER: Again objection --

12 THE COURT: What's the objection?

13 MR. CURRIER: Relevance.

14 THE COURT: He just asked if it was --

15 MR. CURRIER: Okay. Yes, sir.

16 THE COURT: -- if it was a conversation
17 between the two people about false documents. How
18 could that not be relevant to a case that involves
19 false documents?

20 MR. CURRIER: I will wait my turn, Your
21 Honor.

22 THE COURT: Thank you.

23 THE WITNESS: Based on what was provided
24 for me and that I understood reading between back and
25 forth, yes, that was the conversation, sir.

1 BY MR. DALE:

2 Q Okay. And it had the documents attached to it
3 that were appended to this exhibit, right?

4 A Yes, sir.

5 Q Okay.

6 THE COURT: So are these the documents in
7 Exhibit 8 that go with the e-mails in Exhibits 6 and
8 7?

9 MR. DALE: This is a separate e-mail, Your
10 Honor, as you'll see from the date on it.

11 THE COURT: Well, I haven't seen it, so
12 tell me, what is the date?

13 MR. DALE: Well, the date that's on it is
14 February 17, 2013.

15 THE COURT: Okay.

16 MR. DALE: Okay. And --

17 THE COURT: I'm going to let it in.

18 MR. DALE: -- into evidence.

19 THE COURT: I'm going to let it in.

20 (Exhibit No. 8 was admitted.)

21 BY MR. DALE:

22 Q Okay. Now, did you also -- did you also see
23 letters that had been sent by Mayra Blair to
24 Ms. Ortiz at the Blount County Jail?

25 A Yes, sir.

1 MR. DALE: If I could approach the witness.

2 THE COURT: Okay.

3 MR. DALE: (Handing.) And I don't want to
4 admit these into evidence. I just want to establish
5 that these are in fact the letters that we're
6 admitting copies of.

7 BY MR. DALE:

8 Q Have you seen those?

9 MR. CURRIER: Excuse me, Your Honor. But
10 if we are here in court, and he's handing documents,
11 and he doesn't want them used as evidence, it seems
12 to me to be inapposite to authenticate them for some
13 other purpose -- or whatever the purpose is for this.

14 THE COURT: What's the point, Mr. Dale?

15 MR. DALE: Well, the point is so he can see
16 the originals, and then we can talk about copies that
17 I'm going to admit into evidence.

18 THE COURT: Okay.

19 MR. DALE: All right.

20 THE COURT: I'll overrule the objection.

21 BY MR. DALE:

22 Q Let's look at Exhibit --

23 THE COURT: It seems like a simpler way to
24 deal with this -- and we may have to stop the hearing
25 because I've got a whole bunch of other hearings, and

1 we've already been going all this time -- it's just
2 did she write her? What did she say? Is this a copy
3 of it? Thank you.

4 MR. DALE: Well, there is a reason why I
5 wanted the originals up here also.

6 THE COURT: Okeydoke.

7 BY MR. DALE:

8 Q Exhibit 9, is this a copy of the first of the
9 two letters? Look on the screen, please.

10 A Yes, sir.

11 Q Okay. This is the first of the two letters.
12 What was the date on this, do you recall?

13 THE COURT: Do you want him to recall, or
14 do you want him to look at the original, or do you
15 want him to look at the copy on the screen?

16 BY MR. DALE:

17 Q Okay. Look at the document. What's the date on
18 that?

19 A January 28, 2015, sir.

20 Q Okay.

21 MR. CURRIER: Your Honor, may I raise one
22 more legal and factual issue?

23 THE COURT: Well, you can raise the legal
24 issue if you're going to object. Anything else --

25 MR. CURRIER: Providence.

1 THE COURT: -- just hold until your proof
2 or cross-examination.

3 MR. CURRIER: Providence.

4 THE COURT: Providence, Rhode Island?

5 MR. CURRIER: These documents have not been
6 authenticated. The government asserts they are
7 e-mails from so and so to so and so. Nothing has
8 been shown to show that that is in fact accurate.

9 I raise that issue, Your Honor, because
10 while it does have a question of fact attached to it,
11 it is basically that this document, whatever is being
12 shown for some purpose to prove something, and
13 providence is one of the key issues in most
14 evidentiary questions.

15 THE COURT: I take that to mean that you
16 haven't shown this came from Ms. Blair.

17 MR. CURRIER: Correct, sir, or that she had
18 anything to do with it.

19 THE COURT: Can you do that?

20 BY MR. DALE:

21 Q Did we talk about these same two letters with
22 Ms. Ortiz on the telephone yesterday?

23 A Yes, ma'am -- I mean, sir. I'm sorry.

24 Q Read her portions of the letters?

25 A Yes, we did, sir.

1 Q Okay. Did these letters come from Ms. Blair?

2 A Yes, sir.

3 MR. CURRIER: Your Honor --

4 BY MR. DALE:

5 Q They did?

6 THE COURT: Well, I mean I get that you're
7 frustrated --

8 MR. DALE: Yes, sir.

9 THE COURT: -- but you haven't told me
10 anything. You hand a guy a letter. A guy objects
11 that you haven't proven it's from his client, and you
12 get frustrated. I don't know if it came from his
13 client or not.

14 MR. DALE: Okay. Well, I think I've
15 established that now, though.

16 THE COURT: Well, you said you spoke with
17 Ms. Ortiz and you read her portions of the letter.

18 MR. DALE: Yes, sir.

19 THE COURT: How does that establish it came
20 from Ms. Blair?

21 MR. DALE: We asked her were those
22 letters from Ms. Blair.

23 THE COURT: Oh, there's the seminal
24 question.

25 MR. DALE: Yes, sir.

1 THE COURT: Did somebody say it was from
2 Ms. Blair.

3 So you're saying Ms. Ortiz said it was from
4 Ms. Blair. Is that your testimony?

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: Now, what's your objection to
7 that?

8 MR. CURRIER: They have at least partially
9 repaired it as we are accepting hearsay.

10 THE COURT: Right.

11 All right. Now, go ahead.

12 BY MR. DALE:

13 Q And can you -- let me enlarge this just a bit.

14 MR. CURRIER: Your Honor, just as a
15 practical matter, as we are getting many documents in
16 Spanish --

17 THE COURT: Mr. Currier.

18 MR. CURRIER: Yes, sir.

19 THE COURT: Let me tell you something.

20 MR. CURRIER: Yes, sir.

21 THE COURT: If you continue to extend this
22 hearing with objections that are not objections, and
23 because I have a full docket, and because we were
24 here until six o'clock last night in large measure
25 because of you and what I consider your actions that

1 delayed things, we're going to put your client to the
2 end, and I will finish all the other hearings. If
3 there is time to get to her, we will. If there is
4 not, we'll do her next week.

5 MR. CURRIER: I will stand corrected and --

6 THE COURT: That's not to say you can't
7 object. It's to say that the vast majority of your
8 statements you know are not objections. You know
9 they're improper. And they are things that are
10 designed to simply make commentary to influence me.

11 Any more I will tell you they're
12 influencing me the wrong way, so continue at your own
13 travail. Okay?

14 MR. CURRIER: Yes, sir.

15 THE COURT: Do I make myself clear?

16 MR. CURRIER: Very.

17 THE COURT: All right. Thank you.

18 BY MR. DALE:

19 Q I'm going to try to simplify this and just ask
20 this to you this way. This portion of text that I've
21 circled here, does it translate in English to, "You
22 know I'm going to go to Tepito, Mexico as soon as
23 this passes to keep one of my promises. And I'm
24 going to close Alcoa to accomplish the second one."

25 A Yes, sir.

1 Q That's a rough translation --

2 A Yes, sir.

3 Q -- that you provided to me. Is that correct?

4 A Yes, sir.

5 Q Okay. And down at the bottom that begins with
6 [reading document out loud in Spanish] I believe,
7 does this translate to, "I haven't been able to talk
8 to your mom or Itzel (phonetic) because Manuel
9 changed the number?"

10 A Yes, sir.

11 Q And do you know Itzel to be her -- to be Diana
12 Ortiz's minor daughter?

13 A That is correct, sir.

14 MR. DALE: I'm going to move to admit this
15 into evidence --

16 THE COURT: Okay. Do you have any
17 objection?

18 MR. DALE: -- Exhibit 9.

19 THE COURT: Hearing none, it will come in
20 as Exhibit 9. How many pages is it?

21 MR. DALE: It's a two-page document,
22 including the envelope, Your Honor.

23 THE COURT: Okay.

24 (Exhibit No. 9 was admitted.)

25 BY MR. DALE:

1 Q And I'll show you now, sir, what has been marked
2 as Exhibit 10. And does it have a date -- mailing
3 date of the 23rd of January of this year?

4 A Yes, sir.

5 Q And it is addressed from Mayra Blair to Diana
6 Ortiz in the Blount County Jail?

7 A Yes, sir.

8 Mr. Dale?

9 Q Yes, sir.

10 A Can you please center it a little better.

11 Q Oh, I'm sorry. (Complying with request.)

12 A Thank you, sir.

13 Q And does it state -- the text that I'm going to
14 bracket right here, does this translate to, "This is
15 my third letter that I write to you, but you haven't
16 answered me. Also I went to see you in the jail.
17 They told me that I'm not on the list, neither is
18 Ana." Is that correct?

19 A Yes, sir -- rough translation, yes, sir.

20 Q Okay. And the paragraph [reading document out
21 loud in Spanish] translates to Acela (phonetic) and
22 me have not forgotten to ask about you," correct?

23 A Yes, sir.

24 Q Who is Acela?

25 A As per our conversation with Ms. Ortiz on the

1 phone yesterday, she is a common friend of Ms. Mayra
2 back in Mexico.

3 Q Okay. Acela Cortez?

4 A That is correct, sir.

5 Q Okay. Do they share a common interest in
6 something?

7 A As per our conversation with Ms. Ortiz
8 yesterday, yes, they do.

9 Q What is it?

10 A The common relationship that they were sharing
11 was that she was -- as per Ms. Ortiz, she was
12 Ms. Mayra's contact in Mexico to be able to obtain
13 some sort of paraphernalia for her -- the magic that
14 she does.

15 Q For Santa Muerte?

16 A For La Santa Muerte, yes, sir.

17 Q And, sir, in your experience with Mexican
18 customs is Santa Muerte something that could cause
19 fear for a person from Mexico?

20 A In conversations that I have with people that I
21 have encountered in my line of duties yes, sir.

22 Q What was Ms. Ortiz's reaction emotionally when
23 you raised the issue of Santa Muerte with her
24 yesterday?

25 A When we were talking on the phone in your

1 office, as stated earlier, once that conversation
2 arised as to talking about La Santa Muerte, I could
3 tell that talking to her over the phone she pretty
4 much came apart as far as started crying. She pretty
5 much -- you could tell she lost a little bit of
6 control of herself as to how she was going to be able
7 to talk to me on the phone, so I had to talk to her
8 in Spanish and calm her down.

9 Q Was she frightened?

10 A Yes, she was.

11 Q And, sir, did she make a statement to you
12 regarding the placement of her picture on a Santa
13 Muerte figure at Ms. Blair's office?

14 A That is correct, sir. Yes, she did.

15 Q And, sir, I'm going to circle another sentence
16 here and -- beginning with [reading Spanish word out
17 loud] and ask if this sentence reads, "I hope they
18 put a bond on you so I can sign and get you out. And
19 if I have to go to Mexico for you, all the way over
20 there I will go, and then we will have a plan."

21 Is that a rough translation?

22 A Yes, sir.

23 Q Okay. Sir, in the last letter I showed you it
24 mentioned a Tepita, Mexico.

25 A Yes, Tepita, Mexico, sir.

1 Q What is significant about Tepita?

2 A Well, based on my conversation with Ms. Ortiz,
3 and other subjects that I have encountered in the
4 past, it's a place in Mexico where there is a much
5 bigger scale altar for La Santa Muerte. And people
6 from all over South America, whoever believes in that
7 actual religion, will go over there and do prayers.

8 MR. DALE: Okay. If I haven't yet, I'll
9 admit Exhibit 10 into evidence this last -- Exhibit 9
10 rather, this last letter we looked at.

11 THE COURT: Exhibit 9 was the first. This
12 is Exhibit 10.

13 MR. DALE: Exhibit 10. I'm sorry, Your
14 Honor.

15 THE COURT: All right. Any objection?

16 MR. CURRIER: I would ask for the future at
17 least the rule of completeness.

18 THE COURT: Overruled. It will come in as
19 Exhibit 10.

20 (Exhibit No. 10 was admitted.)

21 MR. DALE: No further questions of this
22 witness. Thank you.

23 THE COURT: I want to ask a question and
24 see if you want to follow up, Mr. Dale.

25 MR. DALE: Certainly.

1 THE COURT: You asked did Ms. Ortiz make a
2 statement or comment regarding the picture that was
3 on the Santa Muerte. He said, "Yes." What did she
4 say?

5 THE WITNESS: Your Honor, based on the
6 conversation that I had with Ms. Ortiz yesterday over
7 the phone -- and I explained to her and told her
8 about her picture in the Santa Muerte altar -- she
9 expressed to me that her first belief -- her first
10 belief with her picture on the altar was to mean good
11 for her, to prosper.

12 But as per her own experience in her own
13 words that she told me yesterday in our conversation
14 over the phone, as she's been in jail and she's been
15 able to be exposed to Jesus Christ and been able to
16 read the Bible in jail and be able to talk to other
17 people, she has clearly seen that the whole purpose
18 of her picture that she believed was for good it was
19 definitely on her own beliefs to be a harm for her,
20 sir.

21 THE COURT: Okay. Thank you.

22 THE WITNESS: That is the best recollection
23 as per our conversation, Your Honor.

24 THE COURT: All right. Thank you.

25 MR. DALE: I'm not going to ask questions

1 at this time about the original documents. We'll
2 just let that go for this point.

3 THE COURT: Okay. All right. Let's talk
4 about what we're going to do.

5 So it's right to you, Mr. Currier. How
6 much time do you envision with cross-examination with
7 this witness?

8 MR. CURRIER: Bearing in mind Your Honor's
9 stricture and his --

10 THE COURT: The Court has no stricture.

11 MR. CURRIER: -- I don't think I'm going to
12 make -- ask any questions of this witness. He's
13 translated documents. He's made statements. He's
14 recited what he was told. And I have no basis to
15 question his integrity or his translations.

16 I've had my translator --

17 THE COURT: I take that as the answer, I
18 have no cross-examination.

19 MR. CURRIER: Thank you, sir.

20 THE COURT: All right. Do you have any
21 other witnesses, Mr. Dale?

22 MR. DALE: I would recall Special Agent
23 Grove just for one point that needs to be clarified
24 regarding the licenses.

25 THE COURT: What is the point, and maybe

1 you can make it as a proffer?

2 MR. DALE: I'd be happy to do that; just
3 that the point is that this offense with which
4 Ms. Ortiz -- Ms. Blair is charged involves the use of
5 falsified documents, including falsified licenses.
6 And that is the relevance.

7 THE COURT: I think that's in the
8 Indictment, isn't it?

9 MR. DALE: It is, Your Honor.

10 THE COURT: All right. I don't need to
11 hear him tell me what's in the Indictment.

12 MR. DALE: Very good. I have no further
13 questions for this witness.

14 THE COURT: Do you have any further
15 witnesses?

16 MR. DALE: No further witnesses.

17 THE COURT: All right. You may step down.
18 Thank you.

19 THE WITNESS: Your Honor, I thank you.

20 THE COURT: All right. You may step down.
21 Do you have any -- how long do you think
22 your proof will take to put on, Mr. Currier?

23 MR. CURRIER: Probably about -- less than
24 40 minutes, maybe less than 20. I'll make it as fast
25 as I can, Your Honor.

1 I don't want this lady staying in jail, and
2 I don't want any action of mine to do it. I intend
3 to put her on. I intend, as I said, to put on a
4 Ms. Anabel Orduna, a Ms. Lenora Martin -- I'll skip
5 Ms. Schultz -- and George Coode, who is here in the
6 office, and who is a CPA -- here in the courtroom.

7 THE COURT: And what are they going to be
8 offered for?

9 MR. CURRIER: They're going to be offered
10 for several things. Ms. Orduna is the woman who
11 worked in the office at which my client was arrested.
12 She has been running that office for years and has
13 known the client for years. She's going to speak to
14 the practices of the office, the accuracy of various
15 things, including the e-mails, which Your Honor has
16 admitted, pointing out that the mayramoreno822@gmail
17 is a business e-mail, not one -- and the employees
18 had access to it. So the facts asserted by the
19 government that this was from Mrs. Blair has not in
20 fact been shown.

21 I intend to proffer to the Court a general
22 background of her involvement in -- Mrs. Blair's
23 involvement with The General Insurance Company and to
24 present -- I was originally planning through
25 Mrs. Blair -- a check, a copy of which I've already

1 provided to the government, for \$27,130 from her
2 insurance company as a bonus for continued -- credits
3 for her work as a legitimate insurance person, thus
4 showing legitimate access to money, and a document,
5 which I will be able to show that the government
6 through probably sheer inadvertence did not bother to
7 pick up that is one of the things they supposedly are
8 trying to claim are proceeds of evil and provide a
9 reason for this woman to run away.

10 In fact, these are things to pay for the
11 continuation of her business, to show that she's
12 doing it.

13 In terms of Lenora martin I expect to show
14 a long-term commercial and personal friendship,
15 showing that she is a good woman and able to do this.

16 Through both people -- and I would have
17 used Ms. Schultz to show that Ms. Blair's elder
18 daughter had a 15-year celebration, a kind of a
19 Mexican Sweet 16, which they all attended and they --
20 and among other people who were there were the
21 children of which my colleague has been talking.

22 And Mr. Coode is going to talk about the
23 documents in question and the financial general
24 records that we know about so far and the threat or
25 the actual likelihood of success of the government's

1 case based on our analysis of what we have.

2 THE COURT: I'm not trying this case.

3 MR. CURRIER: No, sir. I'm not trying to
4 do that.

5 THE COURT: Well, if you're going to have
6 somebody testify about the likelihood of success of
7 their case --

8 MR. CURRIER: May I point out that my
9 colleague has just asserted to the Court that one of
10 the reasons she should flee is the likelihood of the
11 government's success. I respectfully assert that is
12 perhaps a misplaced argument, but that is argument
13 and not an objection.

14 THE COURT: All right. Let's keep it to
15 those issues. Let's remember this is a detention
16 hearing only.

17 If I totally agreed with Mr. Dale that your
18 client was totally guilty, I could do nothing about
19 that. If I found that your proffer was that she was
20 totally not guilty, I could do nothing about that.
21 I'm not deciding guilt.

22 MR. CURRIER: I know that, sir.

23 THE COURT: I'm trying to decide if they
24 established a case for the fact that she would be a
25 risk of flight if she was out on release or if she

1 would be a danger.

2 MR. CURRIER: Right.

3 THE COURT: Okay.

4 MR. CURRIER: I intend to add one thing
5 from Mrs. Blair, that she has not in fact ever been
6 convicted of any offense, and thus, the likelihood
7 that she should qualify for detention approaches
8 zero.

9 THE COURT: Okay. Call your first witness.

10 MR. CURRIER: Anabel Orduna.

11 Ms. Orduna, come on down.

12 I don't know that this witness has been
13 sworn.

14 THE COURT: She's about to be.

15 THE COURTROOM DEPUTY: Raise your right
16 hand.

17 Do you solemnly swear or affirm your
18 testimony will be the truth, the whole truth, and
19 nothing but the truth, so help you God?

20 THE WITNESS: I will.

21 THE COURTROOM DEPUTY: Be seated.

22 State and spell your name for the record.

23 BY MR. CURRIER:

24 Q Ma'am --

25 THE COURT: She just said, State and spell

1 your name for the record. Let her do so.

2 THE WITNESS: My name is Anabel Orduna.

3 THE COURT: Spell it.

4 THE WITNESS: A-n-a-b-e-l; Orduna,
5 o-r-d-u-n-a.

6 THE COURT: Thank you, ma'am.

7 ANABEL ORDUNA,

8 having been first duly sworn, was
9 examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. CURRIER:

12 Q What do you do for a living?

13 A Working.

14 Q Where?

15 A With Mayra Moreno Insurance.

16 Q Where?

17 A Kingston Pike.

18 Q Okay. In the course of preparing for this
19 session did you see and show me some documents?

20 A Yes.

21 Q Was one of those documents a letter from a lady
22 who is currently in jail, Ms. Ortiz?

23 A Yes.

24 MR. CURRIER: Okay. I have tendered a copy
25 previously to the government.

1 BY MR. CURRIER:

2 Q And I show this document to you. I'm going to
3 show it on the view screen. Did you hand me that
4 document?

5 A Yes.

6 Q Okay. Is this the back of that document?

7 A Yes.

8 Q What is the document and in what language is it
9 written?

10 A It is a letter from Diana Ortiz, and it is in
11 Spanish.

12 Q Okay. Do you speak Spanish fluently?

13 A Yes.

14 Q Are you here in the United States with
15 permission to work --

16 A Yes.

17 Q -- under the BACA (phonetic)?

18 A Yes.

19 Q Okay. Does this letter in any way threaten
20 Ms. Ortiz (as stated)?

21 A No.

22 MR. CURRIER: Subject to my asking her to
23 read it, I'm not trying to delay proceedings --

24 THE COURT: Well, I'm totally confused. I
25 thought it was a letter from Ms. Ortiz.

1 MR. CURRIER: It is.

2 THE COURT: And your question was, Is it a
3 letter to threaten Ms. Ortiz?

4 MR. CURRIER: Sorry. I beg your pardon,
5 Your Honor. You are correct in correcting me. I'm
6 wrong. I misspoke.

7 BY MR. CURRIER:

8 Q Does this letter discuss Mayra Morena Blair?

9 A Yes.

10 Q Okay. What does it say about Ms. Blair?

11 A Okay. It say -- about Ms. Blair?

12 Q Uh-huh.

13 A Okay. What our understanding is Mayra Morena is
14 trying to make her looking like she's the --

15 I need a translator.

16 MR. CURRIER: Okay. Shall we swear in a
17 translator?

18 THE COURT: Just tell me what you can't
19 get.

20 THE WITNESS: Okay. Why she say -- she no
21 say a name, but she say -- she cannot put me on the
22 visitor list, because I'm asking for her to put me on
23 the visiting list where I can, you know, visit her.
24 And she told me she can't put on the visiting list
25 because she working for Mayra.

1 THE COURT: Do you know what she's saying?

2 MR. CURRIER: I know what Ms. Orduna is
3 saying. She is saying that Ms. Ortiz says that she
4 will not be able to put Ms. Orduna on Ms. Ortiz's
5 visiting list at the Blount County Jail because she
6 is still an employee of my client, Mrs. Blair.

7 THE WITNESS: And she say that Mayra trying
8 to make her guilty to all this stuff. And she say
9 God bless you all. And she tell me to say the truth
10 about -- all the truth to the investigation people.
11 And she say that she -- she say that I'll be trying
12 to be safe, because if I be with Mayra, I'm not going
13 to be safe.

14 BY MR. CURRIER:

15 Q Okay. Does this express fears by Ms. Ortiz of
16 Mrs. Blair?

17 A I don't understand.

18 Q Does Ms. Ortiz, who wrote you this letter, who
19 you know --

20 A Uh-huh.

21 Q -- imply that she is terrified of this woman or
22 afraid of her?

23 A No.

24 MR. DALE: Your Honor, the letter says what
25 it says. I can't read it, but asking what it implies

1 is objectionable.

2 MR. CURRIER: Well, I would say sauce for
3 the goose, but I won't.

4 THE COURT: All right. So did I understand
5 her to say that part of it says, "with Mayra I'm not
6 going to be safe?"

7 THE WITNESS: If I stay with Mayra, I'm not
8 going to be safe.

9 THE COURT: Oh, if you, Anabel --

10 THE WITNESS: Yes, if I still working for
11 Mayra Moreno, I'm not going to be safe.

12 THE COURT: Gotcha. Okay. Thank you.

13 Go ahead. You can ask the question as to
14 how she took it.

15 BY MR. CURRIER:

16 Q How do you take it?

17 A Like she's trying to put me on -- Mayra -- like
18 she wants -- I tell Mayra she's a bad person.

19 Q Okay. Is this a document which you received,
20 and is this an accurate copy of it?

21 A Yes.

22 MR. CURRIER: We move that this be admitted
23 as the next exhibit.

24 THE COURT: Well, I guess that's okay. I
25 mean, I don't really know what-all it says. It's in

1 Spanish.

2 MR. CURRIER: I understand that, Your
3 Honor. And I was very mindful of what Your Honor
4 said and my obligation to my client to do the best I
5 can to get her out quickly. I will be happy to
6 either have a certified translator provide a
7 translation of this on the record or to submit later
8 a translation, if the Court wishes to do that.

9 THE COURT: Yes, Mr. Dale.

10 MR. DALE: Your Honor, that may all be
11 well, but I don't see where this has any relevance.
12 This is a letter from -- purportedly from Diana Ortiz
13 to Ms. Orduna so --

14 THE COURT: It certainly seems like
15 Ms. Ortiz is the subject of this hearing, and
16 obviously the only person not here today --

17 MR. DALE: Yes.

18 THE COURT: -- with all the people in the
19 courtroom is Ms. Ortiz.

20 MR. DALE: Well, that's exactly right, Your
21 Honor.

22 THE COURT: You spent well over an hour and
23 a half talking about her, her letters and her
24 e-mails. I guess I can let him spend five minutes.
25 I have no idea why you're admitting it or what it

1 does to help your client, but I can't keep you from
2 putting it in.

3 MR. DALE: Well, Your Honor, we would ask
4 that it be an actual translation of the document.

5 MR. CURRIER: We will comply with whatever
6 the Court instructs.

7 THE COURT: You can make it an exhibit as
8 is. She's interpreted the part of it that she wants
9 to -- the part you asked her about that related to
10 Ms. Blair. If Mr. Dale wants to translate other
11 parts of it, he may do so.

12 MR. CURRIER: Very good. This may be the
13 next numbered exhibit. Do you want the original,
14 Your Honor? I have a photocopy --

15 THE COURT: A copy will be fine.
16 Exhibit 11.

17 MR. CURRIER: Thank you, Your Honor.

18 THE COURT: Did you hand up a copy of the
19 letter?

20 MR. CURRIER: I'm sorry. I did hand it up
21 before the hearing. I'd be happy --

22 THE COURT: Do you have that, Julie? If
23 not, I have mine.

24 MR. CURRIER: Can I approach your clerk?

25 THE COURT: I have one.

1 MR. CURRIER: Thank you.

2 (Exhibit No. 11 was admitted.)

3 BY MR. CURRIER:

4 Q Okay. Ma'am, there have been a number of
5 e-mails on the screen. One of them has an e-mail
6 address mayramoreno822@gmail.com. Are you familiar
7 with that e-mail address?

8 A Is a business e-mail.

9 Q Do you have access to it?

10 A Yes.

11 Q Did Ms. Ortiz when she was working have access
12 to it?

13 A Yes.

14 Q Do all the employees have access to it?

15 A Yes.

16 Q Okay. So if an e-mail is sent from
17 mayramoreno822@gmail.com, does that mean that
18 Mrs. Blair, the human being -- Mrs. Mayra Edith
19 Blair, the human being in this courtroom who is on
20 trial, have anything to do with it directly?

21 A No, because everybody going to that e-mail.

22 Q Okay. Now, does she have a separate e-mail
23 address which is personal?

24 A She have a Yahoo account -- e-mail from Yahoo.

25 Q How long have you been her secretary?

1 A One year and three months.

2 Q Okay. All right. Are you familiar with the way
3 the business is operated?

4 A Yes.

5 Q Do you see -- what do people do?

6 A Buy insurance.

7 Q Okay. And when they do, what do they do?

8 A Can you repeat the question because I don't --

9 Q When they are buying insurance, what do they do?
10 Do they come into the office? Do they give you
11 checks? What do they do?

12 A No. They come to the office, and we put the
13 information all in the computer, asking for
14 identities, like driver's license, passport. And if
15 they agree, we sell the insurance with the prices,
16 you know, the computer giving us. And they pay cash,
17 check, or credit card.

18 Q Okay. And do you routinely handle the money
19 that comes in and goes out?

20 A Yes.

21 MR. CURRIER: Okay. May I tender to the
22 witness this document, which is on its side to fit
23 into this screen? I don't know if it shows. Sorry.
24 Let me turn it this way.

25

1 BY MR. CURRIER:

2 Q Are you familiar with this document?

3 A Yes.

4 Q What is that document?

5 A It is a check that Mayra show me on Thursday --
6 Wednesday that she have her bonuses for The General.

7 Q Meaning The General pays her?

8 A The General pays her.

9 Q As part of her commission for selling insurance?

10 A Yes.

11 Q Okay. And was this check physically in her
12 possession at the time of her arrest?

13 A Yes.

14 Q Okay. If you know, where was it?

15 A In her purse.

16 Q And her purse was --

17 A At the office.

18 Q Okay. More precisely was it in her car parked
19 at the office?

20 A Do what?

21 Q Was it in her automobile parked at the office?

22 A Yes.

23 MR. CURRIER: Okay. Now, we would offer
24 this as the next exhibit, Your Honor. And I'm
25 willing to substitute a photocopy --

1 THE COURT: That's fine.

2 MR. CURRIER: -- as this is a negotiable
3 check.

4 THE COURT: Exhibit 12. A copy will come
5 in.

6 (Exhibit No. 12 was admitted.)

7 MR. CURRIER: Thank you.

8 BY MR. CURRIER:

9 Q Now, is this one of the normal business
10 proceeds?

11 A Yes.

12 Q Do you routinely handle portions of the books
13 and records of the business?

14 A Yes.

15 Q Does Ms. Blair do that herself as well?

16 A Yes.

17 Q Did in the past Ms. Ortiz do that?

18 A Yes.

19 Q Okay. Did other people who worked for you do
20 that?

21 A Yes.

22 Q Okay. What does she do with her money?

23 A Her own money or business money?

24 Q The business money like this.

25 A Well, you'll deposit on the accounts -- the

1 business accounts --

2 Q Uh-huh.

3 A -- for, you know, The General take the money out
4 for the payments of the persons.

5 Q Okay. So in so far as you know what's going to
6 happen, would she normally use business receipts for
7 doing things like paying your salary?

8 A Yes.

9 Q How much do you make?

10 A I make ten an hour, and I work 35 to 45 hours a
11 week.

12 Q Okay. Are there other people who work for
13 Mrs. Blair?

14 A Yes.

15 Q Who?

16 A Now?

17 Q Now and in the past.

18 A Okay. There's another girl in Sevierville.

19 Q And who is that?

20 A I don't know her. I just know about her name.

21 Q Okay. What's her name?

22 A Dahlia -- Dahlia -- Dahlia (phonetic).

23 Q Okay. Is she still working for Ms. Blair?

24 A Yes.

25 Q Does she get paid, or do you know?

1 A Yeah, she get paid.

2 Q Do you know how much she's paid?

3 A I don't have no idea.

4 Q Okay. Did Mrs. Blair hide this check from you
5 or make it seem somehow something she was going to
6 try and run away with?

7 A No. She show me.

8 Q Okay. Thank you.

9 Now, when did she show it to you again?

10 A Like Wednesday -- Wednesday morning.

11 Q Okay.

12 MR. CURRIER: Excuse me, Your Honor.

13 BY MR. CURRIER:

14 Q Do you have children?

15 A Two.

16 Q Have you visited with Ms. Blair and her family?

17 A Never visiting, but we around with her kids and
18 my kids.

19 Q Do you know her kids?

20 A Yes.

21 Q How many children does she have?

22 A Two.

23 Q What sex and age?

24 A Females, and one is 15, and the other one is
25 like seven, eight.

1 Q Okay. Have you ever been to a party held by the
2 Blairs for the older child?

3 A No.

4 Q Okay. Do you consider Ms. Blair as well as an
5 employer as a friend?

6 A Yes.

7 Q Do you think she has a reputation in the
8 community for truthfulness?

9 A Yes.

10 Q What is that reputation?

11 A It's good.

12 Q Okay. Do you know of your own personal
13 knowledge that she is in fact a U.S. citizen?

14 A Yes.

15 MR. CURRIER: Okay. No further questions
16 at this time.

17 THE COURT: Mr. Dale.

18 MR. DALE: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. DALE:

21 Q So do you consider yourself to be a truthful
22 person?

23 A Yes.

24 Q This letter you were shown, Exhibit 11, could
25 you perhaps point out on there where the word Mayra

1 appears?

2 A No, is no word that say Mayra.

3 Q It's nowhere on there, is it?

4 A Unh-unh.

5 Q You're not legally in the United States, are
6 you?

7 A I have a worker's permit.

8 Q You've applied for a permit, but it's still in
9 processing. Is that right?

10 A No. I have a permit.

11 Q Do you have the permit?

12 A Yep.

13 Q So you don't have a pending application for a
14 deferred status?

15 A Yes.

16 Q A pending application for deferred status?

17 A No. I have my status.

18 Q Okay.

19 A Yeah.

20 Q Are you a notary public?

21 A Yes.

22 Q Okay. Even though you're not a U.S. citizen?

23 A Yes.

24 Q Now, isn't it true that in April of 2014 you
25 applied for a notary stamp with Knox County, and you

1 used the name Anabel Orduna. That's right, isn't it?

2 A Yes.

3 Q And it was denied because you're not a U.S.
4 citizen?

5 A Yes.

6 Q It was denied?

7 A Yes.

8 Q And then you went to a different location, and
9 you applied under the name Anabel Ornelas, didn't
10 you?

11 A No, it was the same location.

12 Q Okay. So what I'm saying isn't correct?

13 A Yes.

14 Q Okay. So if I were to show you your notary
15 application, that would be totally true?

16 A Yes.

17 Q And you understand the penalties of perjury for,
18 in other words, lying on that witness stand, don't
19 you?

20 A Yes.

21 MR. DALE: Okay. Nothing further at this
22 time.

23 THE COURT: Okay.

24 MR. CURRIER: One question on redirect. I
25 discussed, Your Honor, the wording of the postcard

1 from the jail from Ms. Ortiz and such. The point has
2 been made that Mayra's name was not on here.

3 REDIRECT EXAMINATION

4 BY MR. CURRIER:

5 Q Ma'am, in response to the Attorney General's
6 question -- the Deputy U.S. Attorney's questions you
7 said that Mayra's name was not on here. Is that
8 true? Mayra's name is not on here?

9 A Is not here.

10 Q Okay. But you believe -- or do you believe that
11 this refers to Mayra?

12 A Yes, because --

13 Q Please show us why and indicate it. And you can
14 use your finger if you need to or maybe --

15 May she come up here and --

16 THE COURTROOM DEPUTY: (Showing.)

17 THE WITNESS: Oh, okay. When I write her
18 the letter, I still working in there because I have
19 to work. I have my own family. So when she reply me
20 back, she say she cannot put me on the visiting list
21 because I still working there.

22 BY MR. CURRIER:

23 Q Okay.

24 A Okay. So that make sense because I still am
25 working for them.

1 MR. CURRIER: Okay. Thank you. No further
2 questions.

3 MR. DALE: No recross.

4 MR. CURRIER: We would ask that this
5 circled electronic exhibit be admitted if that can be
6 done.

7 THE COURT: Well --

8 MR. CURRIER: If not, we'll --

9 THE COURT: I can't confirm that's what it
10 says, because I don't speak Spanish.

11 MR. CURRIER: I will tender this and offer,
12 as I already have, and will provide a certified
13 translation from a court certified translator.

14 THE COURT: That won't be necessary. She's
15 testified, and that's all I'll hear. Be darned if I
16 can figure it out, though, why you want to put on a
17 witness who testifies that it says, Beware of this
18 person. She's a danger. Mr. Dale wants to prove
19 she's not talking about Mayra, and then you want to
20 absolutely confirm she is.

21 MR. CURRIER: I have a reason, Your Honor.

22 THE COURT: Okay.

23 MR. CURRIER: I hope I'm not that stupid.

24 THE COURT: Okay.

25 MR. CURRIER: Step down, ma'am.

1 THE COURT: You may step down. Thank you.

2 MR. CURRIER: Ms. Leono Martin, please.

3 THE COURT: Come forward.

4 THE COURTROOM DEPUTY: Raise your right
5 hand, please.

6 Do you solemnly swear to tell the truth,
7 the whole truth, and nothing but the truth, so help
8 you God?

9 THE WITNESS: Yes.

10 THE COURTROOM DEPUTY: Will you please
11 state and spell your name for the record.

12 THE WITNESS: Leono, L-e-o-n-o, Martin,
13 M-a-r-t-i-n.

14 THE COURTROOM DEPUTY: Thank you.

15 LEONO MARTIN,
16 having been first duly sworn, was
17 examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. CURRIER:

20 Q Mrs. Martin, what do you do for a living?

21 A I'm a business owner.

22 Q Okay. How many businesses do you own?

23 A I own several businesses around town, three
24 convenience stores, restaurant, beauty salon,
25 dealership.

1 Q Dealership of what?

2 A Used cars.

3 Q Okay.

4 A A small one.

5 Q Okay. How long have you known Mayra Blair?

6 A Known? That we talk as friends, in less than a
7 year, but I know her from the community, because she
8 will come to my businesses, offer her -- what she
9 sells. So she will come to do our tax in my
10 business. That's all -- we just have -- if someone
11 needs insurance, go to her offices.

12 And that's how I know her first, and after she
13 start having this problem we start talking more and
14 more. So I know her -- the last year I have known
15 her more.

16 Q Have you met her children?

17 A Few times, yes.

18 Q Did you go to a special celebration of the
19 children's?

20 A Yes, I was invited. Uh-huh.

21 Q And what was that called?

22 A What is that?

23 Q What is that celebration called? What is the
24 name --

25 A (Spanish word.)

1 Q -- the celebration to which you were invited.

2 A Oh, her daughter (Spanish word).

3 Q Could you spell that -- try.

4 A It's like equivalent of Sweet 16 in United
5 States. It's a big party where you celebrate your
6 daughter's 15 years.

7 Q Fifteenth birthday?

8 A Right.

9 Q Now, have you therefore -- do you know her now
10 as a person?

11 A Uh-huh, yes.

12 Q Has she been truthful?

13 A Yes.

14 Q Does she have a reputation in the community for
15 truthfulness?

16 A Yes, yes.

17 Q Okay. You mentioned you have a car lot. Do you
18 send customers of yours to her?

19 A Yes, to buy insurance.

20 Q Does she pay you to do that?

21 A Even my employees -- some of my employees have
22 bought insurance from her.

23 Q But do you pay her --

24 A No, no me. I haven't bought insurance.

25 Q So those people do it on their own?

1 A Yes. I will send them, and they will do
2 business with her.

3 Q But you don't care really who they buy insurance
4 from?

5 A No, no.

6 Q They can buy it from State Farm?

7 A Yes.

8 Q Okay. Now, did you also know Diana Ortiz?

9 A No, never talked to her. I think I saw her
10 once, but I never talk to her.

11 Q Okay. Do you remember the occasion you saw her?

12 A I think it was in that party, the --

13 Q The fifteen-year-old's celebration?

14 A Uh-huh, yes.

15 Q Okay. Now, was she there?

16 A Diana?

17 Q Yes.

18 A I think so.

19 Q Was her daughter there?

20 A Mayra's daughter?

21 Q No.

22 A Diana --

23 Q Yes.

24 A No, I don't know Diana's daughters.

25 Q Okay. Were Mayra's daughters there?

1 A Yes, Mayra's daughters.

2 Q So Ms. Ortiz knows Mayra's daughters?

3 A Yes. For what I understand they were friends.

4 Q Okay. Fair enough. Now, as a business woman,
5 has she ever to your knowledge -- or has anyone ever
6 asserted that she did something improper, wrong,
7 dangerous, harmful to others?

8 A Mayra? No.

9 Q Mayra.

10 A No.

11 MR. CURRIER: Okay. Please answer any
12 questions my colleague has.

13 THE COURT: All right, Mr. Dale.

14 CROSS-EXAMINATION

15 BY MR. DALE:

16 Q So you've known her as a friend for a year?

17 A Uh-huh.

18 Q No longer than a year?

19 A No.

20 Q Okay. And you send people to her to buy
21 insurance?

22 A Yes, I refer her. I refer her.

23 Q Okay. And some of those are people who couldn't
24 get insurance through another agent?

25 A I don't know that.

1 Q Some of those are people not in the country
2 legally?

3 A I don't know that. People will ask me, "Where
4 can I get insurance. Go to Mayra Moreno." There is
5 a lot of people doing the same business.

6 MR. DALE: No further question of this
7 witness.

8 THE COURT: When was the party?

9 THE WITNESS: Last year in November.

10 THE COURT: When?

11 THE WITNESS: Last year in November I
12 think.

13 THE COURT: Okay. Thank you.

14 MR. CURRIER: Thank you, Your Honor.

15 THE COURT: You may step down.

16 Next witness.

17 MR. CURRIER: George M. Coode, spelled
18 C-o-o-d-e, Jr., CPA.

19 THE COURT: Mr. Coode, come forward.

20 MR. CURRIER: This will go into the
21 likelihood of flight, among other things.

22 THE COURTROOM DEPUTY: Raise your right
23 hand.

24 Do you solemnly swear that your testimony
25 will be the truth, the whole truth, and nothing but

1 the truth, so help you God?

2 THE WITNESS: I do.

3 THE COURTROOM DEPUTY: Okay. Have a seat
4 and spell your name for the record.

5 THE WITNESS: My name is George Mangle
6 Coode, Junior. That is G-e-o-r-g-e, M-a-n-k-e-l,
7 C-o-o-d-e, Junior.

8 THE COURTROOM DEPUTY: Thank you, sir.

9 THE WITNESS: Abbreviated.

10 GEORGE M. COODE, JR.,
11 having been first duly sworn, was
12 examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. CURRIER:

15 Q Okay. And what do you for a living, sir?

16 A I'm a certified public accountant.

17 Q Do you practice here in Knoxville, Tennessee?

18 A Yes, sir.

19 Q Okay. Did I have occasion to visit your office
20 and pay you a fee to help do some work on this case?

21 A Yes, sir.

22 Q And how much did I pay you?

23 A You were there for a number of hours. I believe
24 you paid me 500 -- maybe even a thousand dollars. I
25 don't recall off the top of my head.

1 Q Okay.

2 A It was a retainer of sorts.

3 Q All right. Did we talk about Ms. Blair and her
4 problems with the federal government?

5 A Yes, we did.

6 Q Was that following the search warrant, which she
7 was the subject?

8 A Almost immediately following the search warrant.

9 Q Okay. Did you have any other meetings with
10 Mrs. Blair?

11 A Yes.

12 Q Okay. In those meetings did we -- did you talk
13 about taxes and taxation and her liabilities and what
14 she should do and what she shouldn't?

15 A She has I believe twice come to my office with
16 tax returns that she had prepared after she had
17 obtained her own PTIN, and we discussed some of the
18 technicalities of those tax returns.

19 Q What is a PTIN?

20 A Practitioner's tax identification number.

21 Q And what is the significance of having one?

22 A It allows you to file tax returns with the
23 Internal Revenue Service.

24 Q As a tax preparer?

25 A As a tax preparer -- as a paid tax preparer.

1 Q Okay. And have you had occasion to look at a
2 number of documents that we have had so far in this
3 case?

4 A I haven't seen other than a little bit that was
5 on the screens, but no.

6 Q Okay. Did Mrs. Blair seem to be helping prepare
7 for this case in your professional opinion?

8 A Could you rephrase that, please.

9 Q Sure. Did Mrs. Blair from her questions and her
10 behavior and so on over several weeks seem to be
11 trying to prepare for what might come in this
12 courtroom?

13 A No, not in my office. In my office we were
14 discussing the tax returns that she was preparing and
15 her plans. I encouraged her to get away from tax
16 returns and that she has a much more lucrative
17 insurance practice where she should be devoting her
18 time.

19 Q Okay. Did you in those meetings and as part of
20 them have a chance to make an assessment based on
21 what we knew of the government's case as an
22 accountant as to what her liabilities might be?
23 Obviously you are not a lawyer.

24 A Obviously I'm not a lawyer. As an accountant, I
25 noted that several of the things that she did were

1 improper, such as preparing tax returns and then
2 sending them off to someone else who was the PTIN on
3 them, and then still collecting the fees for it.
4 That sort of stuff is improper.

5 Some of the tax returns that were forwarded were
6 rejected, as I recall, and she was asked to sign the
7 returns herself. I found all of that very
8 objectionable.

9 Q Okay. But from your knowledge, and you are a
10 professional in the field, was this money
11 laundering -- excuse me. Let me get the precise
12 words. Was this submitting false claims, mail fraud,
13 wire fraud, money laundering?

14 A No.

15 Q Okay. Why not?

16 A Because she was preparing tax returns and
17 mailing them off to the Internal Revenue Service.
18 She was preparing them to the best of her ability,
19 which I consider somewhat limited.

20 Q Okay. Are you familiar with her getting a PTIN?

21 A She told me that she had obtained her own PTIN a
22 couple weeks ago when she was in my office and had
23 questions about some returns that she had prepared --

24 Q Okay.

25 A -- before she sent them off.

1 Q Okay. With the -- are you familiar with how
2 much work it would take a lay person to acquire a
3 PTIN?

4 A I'm not familiar with how much it takes. I
5 assume virtually no effort at all. You go online,
6 and you can have it with, you know, filling out
7 forms.

8 Q Okay. All right. So that then in your opinion
9 would have no indication as to whether or not she was
10 going to plan to be here and keep working?

11 A Well, if she was planning -- yeah, I think if
12 she was planning to be here and keep working, she
13 would have obtained the PTIN.

14 If she was not planning on staying, then I doubt
15 seriously she would have gone to the trouble, because
16 it is, you know, somewhat a pain. It's also
17 extremely ineffective, but that's an IRS problem.

18 Q Okay. Thank you.

19 You have no personal knowledge of Mrs. Blair?

20 A No.

21 Q Okay. Would it be unusual for a business to
22 receive a check such as the one previously admitted
23 as an exhibit such as the one you see on your screen?
24 I'm sorry it's sideways.

25 Would it be unusual for a business that was an

1 insurance agency to receive such a check?

2 A No.

3 Q Would that be something that would happen in the
4 normal course of a lawful business?

5 A Yes.

6 Q Okay. From what you know of this case does the
7 government appear to have a strong case that we'll
8 see in the future for conspiracy --

9 A I don't know enough of this case to answer that.

10 MR. DALE: I object to that.

11 THE COURT: He doesn't know.

12 MR. CURRIER: Fair enough. Thank you.

13 Further questions of this witness.

14 THE COURT: All right. Mr. Dale.

15 CROSS-EXAMINATION

16 BY MR. DALE:

17 Q So, Mr. Goode, my name is Frank Dale --

18 A Coode.

19 THE COURT: Coode.

20 MR. DALE: Oh, I'm sorry. Coode.

21 THE WITNESS: C-o-o-d-e.

22 MR. DALE: Very good.

23 BY MR. DALE:

24 Q And it's true, isn't it, that Ms. Blair got her
25 PTIN in January 2015?

1 A I assume so, yes. I do not know for certain
2 when she got it.

3 Q Well, she didn't get it earlier this week, did
4 she?

5 A I don't know when she got it.

6 Q Okay.

7 A I knew she did not have one when she was in my
8 office the first time.

9 Q When was that?

10 A I don't recall exactly, but it was immediately
11 after the search warrants.

12 Q Okay. Well, she didn't get it after she was
13 indicted, did she?

14 A I don't know when she was indicted.

15 Q Okay. Well, she was indicted last week, for
16 instance.

17 A Well, I assume -- she was in my office twice
18 before last week with tax returns and had already
19 obtained her PTIN at that point.

20 Q Okay. Do you say that Mr. Currier came and met
21 with you and you looked at documents in conjunction
22 with Ms. Blair?

23 A I don't recall what documents we looked at. We
24 discussed the case. We discussed her involvement in
25 the preparation of tax returns with a third party's

1 PTIN on it and that there were some issues with some
2 of those tax returns.

3 Q Okay. Did you call the IRS to ask what kinds of
4 charges could be brought?

5 A No.

6 Q Okay. Did you go to the IRS and look at the
7 documents that were seized?

8 A No.

9 MR. DALE: No further questions at this
10 time.

11 THE COURT: Okay. Anything further?

12 MR. CURRIER: I'll keep my word to you,
13 Your Honor, no.

14 THE COURT: All right. You may step down.

15 THE WITNESS: Thank you.

16 THE COURT: Next witness.

17 MR. CURRIER: Oh, I'm sorry, Your Honor. I
18 misspoke.

19 THE COURT: Okay.

20 MR. CURRIER: I did announce to the Court
21 before that I wanted to call Mrs. Blair.

22 THE COURT: I just said any more questions
23 of this witness.

24 MR. CURRIER: No more questions of this
25 witness.

1 THE COURT: All right. Call your next
2 witness.

3 MR. CURRIER: Mrs. Blair.

4 THE COURT: I'm going to have to advise
5 Ms. Blair of her rights again --

6 MR. CURRIER: Yes, sir.

7 THE COURT: -- so you understand that?

8 MR. CURRIER: I do. And while she's
9 walking up I would ask that this Court restrict the
10 cross-examination to the issues germane to today.

11 THE COURT: I do.

12 MR. CURRIER: Thank you.

13 THE COURTROOM DEPUTY: If you would raise
14 your right hand, please.

15 Do you solemnly swear to true answers make
16 to all questions asked of you as you shall answer
17 under God; if so, please say, I do.

18 THE WITNESS: I do.

19 THE COURTROOM DEPUTY: Have a seat.

20 State and spell your name for the record.

21 THE WITNESS: My name is Mayra, M-a-y-r-a,
22 Edith, E-d-i-t-h, Blair -- I'm sorry -- Blair,
23 B-l-a-i-r.

24 THE COURTROOM DEPUTY: Thank you, ma'am.

25 THE COURT: Now, Ms. Blair, as I told you

1 at the other hearing, you have a right not to say
2 anything. That means you have the right not to
3 testify today. Do you understand that?

4 THE WITNESS: Yes. I just want to tell you
5 why I'm not going to go nowhere and --

6 THE COURT: And I appreciate that, but the
7 minute you start saying anything Mr. Dale there, who
8 is prosecuting you gets to ask you questions that you
9 have to answer. You can't just answer Mr. Currier's
10 questions and then go sit down. He gets a right to
11 ask you questions. Do you understand that?

12 THE WITNESS: Can I just make a statement
13 to you?

14 THE COURT: No, you cannot. It's why I
15 warn people about testifying, because the minute he
16 asks you direct examination questions Mr. Dale gets
17 to ask you cross-examination questions.

18 Now, Mr. Currier can make a proffer on your
19 behalf, but if you testify, then he gets a chance to
20 ask you questions.

21 THE WITNESS: Then I won't testify.

22 THE COURT: Then you what?

23 THE WITNESS: I won't testify.

24 THE COURT: She does not want to testify
25 under that situation, Mr. Currier.

1 MR. CURRIER: That greatly weakens a
2 proffer or anything else I might offer, but we would
3 proffer that she would testify that she is Mayra
4 Blair, that is her address and so on, that she has no
5 intention to do any harm to anyone and to make any
6 contact or attempts to reach Ms. Ortiz by mail were
7 done out of sympathy, not realizing, and contrary to
8 my advice, that that would be interpreted as an
9 effort to improperly influence her.

10 And I would note that she is a mother of
11 two children. She has taken the great difficulty to
12 become a U.S. citizen, which involves a lot of
13 background checking, that she has no criminal record,
14 having never been convicted of anything, that she
15 has -- that her two daughters are in school with good
16 grades;

17 That her husband, although he is
18 undocumented -- she is -- as the State government's
19 witness testified, he has applied for and been
20 approved for an I-130 application as her husband, but
21 he does not now have a green card.

22 She is in fact a citizen who was
23 naturalized here, that she received the checks and
24 moneys that she did in the ordinary course of
25 business, that she went further in this business and

1 tried to -- and she met some people who were in the
2 tax preparer business, and they used her as a kind of
3 cachement (phonetic) pool to bring people in to have
4 this other preparer do their taxes, that under his
5 instruction she asked the people questions, filled
6 out the answers and sent the returns to him for
7 processing by his PTIN.

8 She would identify him by name and his
9 assistant, that she did not consciously violate any
10 law and that she has tried to rectify things by
11 herself acquiring a PTIN and doing things properly by
12 consulting a person who is in fact a CPA;

13 That she has a regular business with
14 employees and others, that she earned the money to
15 which there has been testimony legitimately, and that
16 these are commissions; that part of those profits are
17 to be used for things like paying for her home and
18 her children's schooling at a private Protestant
19 school -- Apostolic Academy, that she is a member of
20 that church;

21 And that she has no animus against, nor any
22 intention to do any harm to, Ms. Ortiz, that
23 Ms. Ortiz was an employee and until these matters
24 came out she thought a friend, that she thought
25 Ms. Ortiz was charged criminally and that she,

1 Ms. Ortiz, did a number of things which are illegal
2 and that those things would qualify as a -- might be
3 illegal, but that she, Mrs. Blair, had no involvement
4 with those, that she did not make that altar, and
5 that the device was put -- the picture and the thing
6 were put up in fact by Ms. Ortiz.

7 And I think she is saying that she doesn't
8 want to testify I would assert respectfully because
9 the proper warning, which Your Honor properly gave,
10 has terrified her and the shortness of time for me to
11 try to explain what she faces while getting
12 everything else done is very hard.

13 I think she would assert, and I would hope
14 credibly, that she is not a danger to anyone and that
15 she has no intention of leaving the United States, a
16 country that she is doing a great deal to try to not
17 only be a citizen of but be a good citizen of.

18 And that would be our proffer.

19 THE COURT: All right. You may step down.
20 Thank you.

21 MS. BLAIR: Thank you.

22 THE COURT: All right. Any other
23 witnesses, Mr. Currier?

24 MR. CURRIER: No, sir.

25 THE COURT: All right.

1 MR. CURRIER: We request a brief closing
2 argument at the appropriate time.

3 THE COURT: All right. Closely argument,
4 Mr. Dale.

5 CLOSING ARGUMENT BY MR. DALE

6 MR. DALE: Your Honor, it's a fairly
7 straight-forward case here. As the Court knows, we
8 are seeking to demonstrate that Ms. Blair is a flight
9 risk, and she is a danger to the community in that
10 her actions would seek to intimidate witnesses --
11 prospective witnesses. And both of these have been
12 demonstrated in this case as offered in the proof
13 here today.

14 The evidence against her of the charges is
15 very strong as Special Agent Grove has testified.
16 Ms. Ortiz was charged with a similar offense --

17 THE COURT: Is that a factor for me to
18 consider?

19 MR. DALE: It is, Your Honor.

20 THE COURT: Which part of the factors is
21 that?

22 MR. DALE: Well, I think it's implicit in
23 there that it's one factor that the Court must
24 consider, the strength of the charge and the strength
25 the evidence against the defendant.

1 THE COURT: Okay.

2 MR. DALE: I could grab the book and go
3 through it and find that. But that's what I
4 understand part of the factors to be.

5 THE COURT: 3142(g), the second factor is
6 the weight of the evidence against the person.

7 MR. DALE: Yes, that's what I'm getting at.

8 THE COURT: Yeah, I used to think that too,
9 and Judge Martin in the Sixth Circuit said we're both
10 wrong, that is not what that means. I may disagree
11 with him, but he said that's not what that means.

12 MR. DALE: Okay.

13 THE COURT: It means the weight of evidence
14 of flight or the weight of the evidence of danger.

15 MR. DALE: Okay.

16 THE COURT: So I'm not sure the weight of
17 the evidence of the charges is a factor anymore.

18 MR. DALE: Okay. Well, in terms of the
19 weight of the evidence of flight --

20 THE COURT: Uh-huh.

21 MR. DALE: -- we have shown that she has
22 close contact with individuals who are citizens of
23 Mexico. She is from Mexico herself. She made
24 several references to Mexico in the letters to
25 Ms. Ortiz, including expressing an interest in

1 bailing out Ms. Ortiz and then going to Mexico --
2 going to Mexico and continuing the plan that they
3 had. Likewise the reference to Tepito, Mexico. Her
4 husband, as we know is an illegal immigrant and is
5 from Mexico likewise.

6 And so there is certainly an incentive for
7 her to flee the country if given the opportunity to
8 do so. She has the means to do that. She has the
9 money to do that, the ability to do that. And the
10 fact that she doesn't have a passport or if she has
11 one, that she would surrender her passport, would not
12 stand as an impediment of any kind.

13 As Mr. Vincente told the Court, crossing
14 into Mexico is not a difficulty at all. She can
15 certainly do that, and she could certainly get away
16 by doing so. As the Court is aware, there have been
17 numerous instances -- notable instances in this court
18 of individuals facing charges who did flee. And I
19 would note Leslie Janis as an example. Tamral Guzman
20 is an example of people that were charged and decided
21 to flee rather than the possibility of significant
22 jail time.

23 Likewise there is the risk of intimidation
24 of witnesses, because we see that has been going on
25 already, the attachment of Ms. Ortiz's picture to a

1 Santa Muerta altar in Ms. Blair's office, the
2 assertion that --

3 THE COURT: How is that intimidation of
4 Ms. Ortiz if Ms. Ortiz put it there?

5 MR. DALE: Well, Ms. Ortiz did not put it
6 there.

7 THE COURT: Well, that was the proffer from
8 the defense, and your proffer was nobody knew who put
9 it there.

10 MR. DALE: Well, let's look at it
11 reasonably, though. It was there yesterday, okay.
12 It was there on December either 14th or 16th, the day
13 that the search warrant was seized, and it was still
14 there yesterday. You'd think that if Ms. Mayra
15 didn't want it there, she would have taken it down.
16 Instead the food offered to the dark Goddess has been
17 refreshed and replenished if you compare the pictures
18 one to the other. Someone is certainly managing that
19 altar. There's a 20-dollar bill attached to the
20 altar in the first picture, and there wasn't on the
21 picture the other day.

22 So Ms. Ortiz told agents by telephone that
23 Ms. Blair had attached her picture to this altar and
24 --

25 THE COURT: Who testified to that?

1 MR. DALE: I thought Mr. Vincente did.

2 THE COURT: Did Ms. Ortiz tell you that?
3 Did Ms. Ortiz tell you that Ms. Blair put her picture
4 there?

5 MR. VINCENTE: I do not recall that part of
6 the conversation, Your Honor.

7 THE COURT: I didn't think so. Thank you.

8 MR. DALE: I'm not going to swear myself in
9 and testify then. If the agent can't say that, then
10 that's where it has to stand.

11 MR. CURRIER: Then obviously we would raise
12 questions about being a witness and a lawyer in the
13 same proceeding.

14 MR. DALE: I'm not going to do that. I'm
15 just --

16 THE COURT: He's saying he's not going to
17 do it.

18 MR. CURRIER: Yes, sir.

19 MR. DALE: And as Special Agent Grove has
20 testified, it has had the effect of intimidating
21 Ms. Ortiz. The letters to her are to that effect as
22 well, the attempts to reach out and contact her minor
23 daughter, the attempts to reach out and talk to her
24 ex-boyfriend, on such a level that --

25 THE COURT: Do you know what I noticed?

1 MR. DALE: Yes, sir.

2 THE COURT: You knew exactly what she said,
3 but you never told me what it was. So the fact that
4 they reached out to the daughter might say, "I'm
5 praying for you," or it might say, "If I find you,
6 I'm going to get you." But, you know, you just said
7 they sent a communication and very specifically it
8 was a text.

9 MR. DALE: Yes, sir.

10 THE COURT: But I have no idea what it
11 says, so how can I know that it's intimidating?

12 MR. DALE: Well, because of the fact
13 that --

14 THE COURT: I'm going to assume if you know
15 what it is and you don't tell me, it's not
16 intimidating.

17 MR. DALE: Well, Your Honor, I don't know
18 the substance of the text messages. I know that they
19 were sent. But, you know, I don't think that they
20 were threatening messages, but, of course, I don't
21 speak Spanish.

22 THE COURT: Maybe it was an invitation to
23 the party.

24 MR. DALE: Well, but it was such that they
25 decided to change their phone number to avoid having

1 such contacts made later. They didn't want these
2 contacts. Ms. Ortiz didn't want these contacts. And
3 so that where --

4 THE COURT: Does it strike you that I'm
5 going to have to decide to find in your favor all
6 this stuff that I'm getting second- and third-hand
7 from Ms. Ortiz, who isn't here?

8 MR. DALE: Well, Your Honor, you have the
9 letters in front of you -- the letters are in
10 evidence -- and statements of two agents regarding
11 the emotional effect that has been had on her.

12 THE COURT: Okay.

13 MR. DALE: So based on the evidence we have
14 we think it is appropriate to detain Ms. Blair to
15 avoid her flight and to avoid further intimidation of
16 witnesses.

17 THE COURT: What's the danger if I let her
18 out?

19 MR. DALE: That she would continue to
20 contact people that are knowledgeable of this case.

21 THE COURT: Has she contacted anybody other
22 than Ms. Ortiz?

23 MR. DALE: Not to our knowledge but --

24 THE COURT: And is Ms. Ortiz in custody?

25 MR. DALE: She is, Your Honor.

1 THE COURT: So she can't contact and
2 intimidate her.

3 MR. DALE: Well, she can certainly attempt
4 to send letters to her. And Ms. Ortiz knows that
5 she's reached out to her daughter and to her former
6 boyfriend -- to her family. And so that's the
7 concern. And then --

8 THE COURT: Do you have any evidence that
9 she sent anything threatening or intimidating to
10 either her daughter or her boyfriend?

11 MR. DALE: I do not.

12 THE COURT: Any family?

13 MR. DALE: I do not, but it's the fact of
14 the contact. It's the fact that she even said in the
15 letter, "I've attempted to contact your daughter.
16 I've attempted to contact your former boyfriend."
17 Those are --

18 THE COURT: Can't we resolve that by simply
19 putting a condition on her that there is to be
20 absolutely no contact?

21 MR. DALE: Well, Your Honor, there are all
22 kinds of conditions out there, conditions that people
23 not break the law, that people not live in the
24 country illegally. And people tend to violate those
25 rules. So that --

1 THE COURT: If I assumed that, I'd never
2 let anybody out.

3 MR. DALE: Well, that's true, but then also
4 there's a flight risk issue that is --

5 THE COURT: Tell me about that. What's the
6 reality of her being a flight risk?

7 MR. DALE: Well, the reality is simply
8 getting in a car with money and either a false
9 identification or sufficient identification to cross
10 the border into Mexico where she has contacts to
11 avoid prosecution rather than facing the potential of
12 an 11- to 14-year prison sentence as it stands
13 presently.

14 THE COURT: Okay. All right. Go ahead.
15 Anything else?

16 MR. DALE: That's all I have for now.
17 Thank you.

18 THE COURT: All right.

19 CLOSING ARGUMENT BY MR. CURRIER

20 MR. CURRIER: I'm sorry in my rapid summary
21 I didn't say this, but it is a fact that I welcome
22 the government to oppose. Ms. Ortiz's daughter's
23 birthday was in January, and the communication -- the
24 text to which they're referring was a wish of "Happy
25 Birthday." And that seems entirely appropriate to a

1 lady who erstwhile was a friend of the family.

2 While it is true --

3 THE COURT: Whose birthday was in January?

4 MR. CURRIER: Ms. Ortiz's daughter.

5 THE COURT: All right. So you're
6 proffering --

7 MR. CURRIER: I proffer that.

8 THE COURT: -- as truth that I just guessed
9 right, that it was a text that said "Happy Birthday?"

10 MR. CURRIER: No, I'm not proffering as
11 truth that you guessed right, but yes, you did guess
12 right.

13 THE COURT: Okay.

14 MR. CURRIER: But we have still the
15 presumption of innocence. And that is one of the
16 things this Court is about. Overwhelming bureaucracy
17 and government can do lots of things --

18 THE COURT: I'm not deciding her guilt --

19 MR. CURRIER: No, you're not.

20 THE COURT: -- so you understand that. So
21 that even if she is presumed innocent of these
22 charges, I'm not determining whether she's guilty of
23 the charges or not. It's if I released her, that she
24 might flee.

25 MR. CURRIER: Yes, sir. And I will note

1 that we tendered to the Court, and the Court
2 accepted, a photocopy of a check, which unless I'm
3 instructed otherwise, I intend to turn over to the
4 company to deposit in its bank account in the normal
5 course of business.

6 That is not the action of someone trying to
7 hide, run. The fruits of crime, the badges of
8 wrongdoing, are not present. The sense of guilt or
9 desire to flee is not present.

10 It is said -- I think the cite is given to
11 Confucius -- that the guilty flee when no one
12 pursues. This one woman did not flee. She sought
13 advice from a lawyer and from an accountant and has
14 made an application for a government capability to
15 file tax returns.

16 THE COURT: She didn't flee from what?

17 MR. CURRIER: She was -- her property --
18 from here. Her property was seized. There was a
19 long search warrant that is of record. The documents
20 that were taken have, for example, interfered with
21 her ability to file her own income taxes.

22 THE COURT: When was the search warrant?

23 MR. CURRIER: Last November if my memory
24 serves --

25 MS. BLAIR: December.

1 MR. CURRIER: December. The government has
2 made reference to it, and I can proffer a copy,
3 although it is in the Court's records.

4 THE COURT: Okay.

5 MR. CURRIER: And so, Your Honor, I would
6 say they have not made the showing to overcome their
7 much smaller burden. They haven't done that. And
8 this woman has two daughters. She is a regular
9 business woman. She is in normal business. She has
10 employees. She is not hiding money.

11 And we are trying to get ready for trial,
12 which has been scheduled by Your Honor. So we would
13 ask that the Court leave her free with the kinds of
14 conditions that are normal. This is not someone who
15 has convictions, habit of crime, or anything else
16 like that.

17 And so I would suggest with respect that
18 she should be let free so that she can help defend
19 herself and so that the harm brought by all of this
20 on her, harm which I will ultimately hope to
21 demonstrate be unjustified, will be lessened, and so
22 that her ability to achieve the purpose that the
23 presumption of innocence is designed for, which is to
24 fight the case and go forward.

25 Thank you, Your Honor.

1 THE COURT: What was I going to ask you? I
2 have to think of it. I'll ask you in a minute.

3 MR. CURRIER: Yes, sir.

4 THE COURT: All right. Now, here is my
5 proposal. I have two more hearings at least that I
6 have. They've been waiting downstairs. It shouldn't
7 take too long. I'm proposed to do those right now,
8 and then I will review my notes. And I'll give you
9 my decision on this as soon as I'm finished with
10 that. Okay?

11 Is that okay with you, Mr. Dale?

12 MR. DALE: That's fine. Would you like us
13 to stay in the courthouse, or will your clerk just
14 call us when you're ready to issue your ruling?

15 THE COURT: Yeah, why don't you stay here
16 in the courthouse -- if you want to go over to your
17 office, it will be about 30 minutes for me to at
18 least get these two done. They're initial
19 appearances.

20 MR. CURRIER: May my -- I'm sorry, Your
21 Honor.

22 THE COURT: Yes, sir.

23 MR. CURRIER: May my interpreter and, if
24 possible, my secretary go to the custody area with
25 the marshals and spend these 30 minutes talking to

1 Ms. Blair?

2 THE COURT: Do the marshals have any
3 objection to that?

4 U.S. MARSHAL: No.

5 THE COURT: She'll have to go with them,
6 and you all will have to go around.

7 MR. CURRIER: Yes, I understand.

8 THE COURT: You can meet her down there,
9 yes.

10 MR. CURRIER: We will do that.

11 THE COURT: All right. You may do that.

12 MR. CURRIER: Thank you, Your Honor.

13 (A recess was taken.)

14 THE COURTROOM DEPUTY: All rise. This
15 court is again in session with the Honorable C.
16 Clifford Shirley, Jr., the United States Magistrate
17 Judge, presiding.

18 Please come to order and be seated.

19 THE COURT: All right. Before I get to my
20 decision I need someone to read me Exhibit 10. I
21 don't care if it's Mr. Currier's interpreter. I
22 don't care if it's Mr. Vincente. I don't care who it
23 is, but I need somebody to read it and the other side
24 to follow along and be sure it's being interpreted
25 correctly.

1 MR. CURRIER: Is Exhibit 10 the letter to
2 Ms. Ortiz or is that --

3 THE COURT: It's the letter to Ms. Ortiz
4 from Ms. Blair.

5 MR. DALE: That's Exhibit 10.

6 MR. CURRIER: Right. I don't have it. I
7 trust this gentleman. His name is Ramon Cordero. He
8 is known to this court.

9 THE COURT: You don't have Exhibit 10?

10 MR. CURRIER: If I have it --

11 THE COURT: Well, we'll make a copy. Hold
12 on. We'll make a copy for you, sir.

13 MR. CORDERO: Thank you, Your Honor.

14 MR. CURRIER: Thank you. I have had no
15 discovery.

16 THE COURT: Well, you should have been
17 provided a copy of every exhibit.

18 Did you not provide him copies of what you
19 admitted into evidence?

20 MR. CURRIER: I gave him mine in advance.

21 MR. DALE: I did not, Your Honor.

22 THE COURT: Well, don't do that again.

23 MR. DALE: That's all -- I thought that's
24 all we need to do is make them available that way.

25 THE COURT: No.

1 MR. DALE: Well, I can certainly do that.

2 I can make copies and get them to him.

3 THE COURT: Well, we're doing it right now.

4 MR. DALE: Okay.

5 MR. CURRIER: That was why I was making
6 noises about copies, Your Honor.

7 THE COURT: I don't remember you making
8 noises about that. I got lost in the other noise.

9 (The courtroom deputy left the
10 courtroom to make copies.)

11 (The courtroom deputy returned to
12 the courtroom with copies.)

13 THE COURT: Hand that to Mr. Cordero.

14 You'll need to have a microphone,
15 Mr. Cordero.

16 MR. CORDERO: Yes, sir. May the
17 interpreter have a moment to look through the --

18 THE COURT: Absolutely. Did you make a
19 copy for Mr. Currier?

20 THE COURTROOM DEPUTY: No. I just made a
21 copy for --

22 THE COURT: Will you make another copy,
23 please.

24 THE COURTROOM DEPUTY: Sure.

25 THE COURT: You can look through it while

1 we're making --

2 Does anyone else want a copy?

3 MR. DALE: I have copies. They have my
4 notes on them, though.

5 THE COURT: All right. Let's have
6 Mr. Vicente follow along so I can be sure it's
7 accurate.

8 MR. CORDERO: Does it matter what
9 microphone I use, Your Honor?

10 THE COURT: No, it doesn't matter. Just
11 wait a second. I want Mr. Currier to have a copy.

12 THE COURTROOM DEPUTY: (Handing.)

13 MR. CURRIER: Thank you very much.

14 THE COURT: All right. Will you give me
15 your name, sir.

16 MR. CORDERO: Ramon Cordero.

17 THE COURT: All right. Mr. Cordero, will
18 you read Exhibit 10, please.

19 MR. CORDERO: "Hello. It's me. You are
20 not alone, nor have we abandoned you. This is the
21 third -- this is my third letter that I have written,
22 but you have never replied. I also went to see you
23 at the jail, but they did not -- but they told me
24 that I am not on the list. Neither is Ana. I have
25 put money for you so that you don't lack anything.

1 Diana (phonetic) Manuel --"

2 And if the interpreter may, Your Honor, it
3 says [reading document out loud in Spanish], which
4 can be interpreted in a variety of ways, but the
5 interpreter understands it to be, "has lied about
6 us."

7 [Reading document out loud in Spanish.]
8 The interpreter does not want to interpret that one
9 last line, Your Honor, for lack of a clear
10 understanding of what it means.

11 THE COURT: Well, what do you mean? Just
12 read the words.

13 MR. CORDERO: The words in their
14 combination mean nothing to the interpreter, Your
15 Honor. I will attempt to read what it says as best I
16 can.

17 THE COURT: Okay.

18 MR. CORDERO: "-- has lied about us and has
19 been in communication with your family. The things
20 are not as he has told you or as you believe. Of
21 course, it's clear we have had -- we have had the
22 help. It is just that we are waiting for your court
23 to see what -- or how we need to do. Manuel has lied
24 to us and up until now -- [reading document out loud
25 in Spanish] "-- and up until now we have not been

1 able to know about you. Do not lose faith and hope.
2 We're going to get out of this one."

3 I'm assuming that's Isaca (phonetic) "Isaca
4 and I do not stop asking about you. I made my
5 promises, and I'm going to fulfill them. And you
6 will see how this is going to be fixed. Do not
7 listen to negative things nor believe that we are not
8 with you. Remember that even though you do not see
9 God he is there. Everyday I ask that you be calm and
10 that you not lack faith. I do not know how things
11 are going for me still, but believe me that while
12 I -- but while I am still outside I am going to help
13 you. I hope they give you bond so that you can sign
14 it -- so that I can sign it and get you out. And if
15 I have to go to Mexico --" and again, Your Honor
16 there is a letter "X" on there. I don't know what
17 the letter "X" stands for -- "if I have to go to
18 Mexico, up until there we have a plan. But if you
19 are alone -- but you are not alone. My mother is
20 waiting in the --" the abbreviation "-- MTY. If we
21 need to and I would sign 10K if I have to for a bond.
22 I already have an attorney that after court is going
23 to help you -- [reading document out loud in
24 Spanish].

25 The last letters are not clear, Your Honor.

1 "Do not believe that --" and then the last words are
2 not clear, Your Honor.

3 THE COURT: All right. Now, Mr. Vincente,
4 what do you say about that? Did he do a good job?

5 MR. VINCENTE: Your Honor, we have spent a
6 couple hours translating this verbatim as to make
7 sense. There's a couple of things but for the
8 majority of it I will agree. We have already a
9 written English version on the side, so it will be
10 very expeditedly (sic) that I will read this if the
11 Court will allow me to do so, sir.

12 THE COURT: Well, I'm only interested
13 primarily in the part that starts most of the way
14 down that says, "I do not know how things are going
15 for me."

16 MR. VINCENTE: Yes, Your Honor. I found
17 that part here. If I may, Your Honor?

18 THE COURT: Go ahead.

19 MR. VINCENTE: To speak on behalf of the
20 gentleman that was translating --

21 THE COURT: Well, don't speak on his
22 behalf. You just tell me what you say it says.

23 MR. VINCENTE: Okay.

24 THE COURT: Read it.

25 MR. VINCENTE: [Reading document out loud

1 in Spanish.]

2 THE COURT: No, no, no, no. Read it in
3 English.

4 MR. VINCENTE: Okay. "I don't know what's
5 going on with me yet, but believe me while I'm
6 outside I'm going to help you. I hope you get a bond
7 so I can sign and get you out if I have to and go to
8 Mexico for you. Over there I will go, and then we
9 will have a plan."

10 Your Honor --

11 THE COURT: Wait a minute. "If I have to
12 and go to Mexico for you over -- what?

13 MR. VINCENTE: "Over there I will go."
14 [Reading document out loud in Spanish.]

15 THE COURT: Okay.

16 MR. VINCENTE: Your Honor, that "X" symbol
17 means (speaking Spanish) "for you." This is used a
18 lot to abbreviate in Spanish.

19 THE COURT: Okay.

20 MR. VINCENTE: Yes, Your Honor.

21 THE COURT: Keep going. "I will go --"

22 MR. VINCENTE: "-- and over there for you I
23 will go, and we will have a plan."

24 THE COURT: Okay.

25 MR. VINCENTE: "But you are not alone.

1 Mama waits for you --" with that abbreviation of
2 "MTY."

3 THE COURT: What's that?

4 MR. VINCENTE: I have no idea, Your Honor.

5 THE COURT: Okay. Do you know, Mr. Dale?

6 MR. DALE: Your Honor, I've never learned
7 any Spanish. I have no idea what the MTY would mean.

8 THE COURT: Do you know where her mom
9 lives?

10 MR. DALE: Her mother according to the
11 pre-trial services report lives in Texas I believe.

12 Oh, "MTY" could mean Monterey, which is
13 where she was born.

14 THE COURT: All right. The only thing I
15 know abbreviated with three letters is airports; TYS
16 for Tyson-Magee; BNA for Nashville; MTY, Monterey,
17 Mexico. So if nobody knows anything different,
18 that's my best guess.

19 MR. DALE: Is MTY the abbreviation for
20 Monterey, Mexico?

21 THE COURT: I think so.

22 MR. VINCENTE: May I proceed, Your Honor?

23 THE COURT: You may.

24 MR. VINCENTE: Thank you, Your Honor. I
25 will go back to that.

1 "My mother awaits for you in Monterey, and
2 if we have to, I will sign 10K. It will be for if I
3 have to pay a bond. We already have a lawyer that
4 after the court procedure it would help you."

5 THE COURT: Okay.

6 MR. VINCENTE: "Don't feel like we don't
7 know what's going on."

8 When I interpret that, Your Honor, [reading
9 document out loud in Spanish], she is addressing her
10 [reading document out loud in Spanish] "don't feel
11 like we don't know what's going on."

12 THE COURT: Okay.

13 MR. VINCENTE: That's what I perceive on
14 that last sentence, Your Honor.

15 MR. CURRIER: I beg your pardon, Your
16 Honor, Mr. Cordero has quietly said to me that that
17 last is speculating. May he explain that?

18 THE COURT: Yeah, the part about having an
19 attorney really isn't the part that's of any moment
20 to me.

21 The question for you, Mr. Currier, is what
22 I do -- I thought that was going to be the whole
23 issue today -- we were going to have a detention
24 hearing -- to be honest with you, and I heard
25 absolutely nothing about it except two little

1 snippets after two or three hours. I want to hear
2 you explain what I do with somebody who says, "I hope
3 I can get you out on bond, and we'll take off to
4 Mexico."

5 MR. CURRIER: As the defendant has not
6 taken the stand, Your Honor, and hasn't been
7 questioned about this, I'm not sure, because I'm not
8 --

9 THE COURT: I certainly don't expect her to
10 answer. I expect you to answer Mr. Dale's argument
11 that that indicates flight.

12 MR. CURRIER: Okay. If I may have a moment
13 with my client, Your Honor.

14 THE COURT: Oh, you may.

15 (A discussion was held off the record
16 between Mr. Currier and Ms. Blair.)

17 THE COURT: All right. While you're
18 thinking about that, on the fourth line up--

19 MR. CURRIER: From the bottom, sir?

20 THE COURT: Yeah, actually the fifth line
21 up from the bottom. When we get to the word "bond"
22 --

23 MR. CURRIER: Yes.

24 THE COURT: -- I want you to again tell me
25 what that says, Mr. Vincente.

1 MR. VINCENTE: "I hope they put bond so I
2 can sign [reading document out loud in Spanish] so I
3 can sign and get you out. If I have to go to Mexico
4 for you, over there we'll go. We have a plan,"
5 verbatim, Your Honor.

6 THE COURT: Okay. Do you agree with that,
7 Mr. Cordero -- that he read that right?

8 MR. CORDERO: Yes, Your Honor.

9 THE COURT: Okay.

10 MR. CORDERO: And yes, with just one --
11 when it has an "X" -- as an interpreter and a
12 translator, I can never speculate as to what an "X"
13 would mean. It could mean anything.

14 THE COURT: Okay.

15 MR. CORDERO: And so I'm not able to say
16 what that "X" would represent, but the essence of
17 what he has translated I believe to be correct.

18 THE COURT: Okay. Thank you very much.

19 So what do I do with that, Mr. Currier?

20 MR. CURRIER: When we look at the date on
21 the letter, which was happily postmarked, and it
22 appears to be the 23rd of January of this year.

23 THE COURT: Right.

24 MR. CURRIER: At that time the addressee of
25 this was in jail, and my client was not in jail.

1 Contrary to the assertions that there was an effort
2 to threaten her, this was an effort to show
3 solidarity and kindness and loving respect.

4 That having been said, I think it is an
5 effort to get bond, to assist, and not to engage in
6 criminal flight. That would be I think a fair
7 reading of that, and I am not, and don't pretend to
8 be, a scholar of Spanish.

9 THE COURT: I don't pretend to be either
10 and that's why I had two people read it to me. But
11 what do I do with the part that says, Beyond I hope
12 to get you out on bond, but if I have to go to
13 Mexico, basically I will. You're not alone. Mom is
14 waiting in Monterey.

15 MR. CURRIER: I think that we are taking
16 that in isolation, but I will try to address you
17 directly, Your Honor, because I understand the
18 question.

19 THE COURT: Please.

20 MR. CURRIER: I think that this is a
21 statement from a woman who is out, who is not
22 terribly well-educated, but who is trying to express
23 support and friendship for a woman she perceived to
24 be in a very horrible plight. She of course did not
25 realize that this lady was in fact about to help the

1 government significantly with her case against her.

2 I don't think it implies that she was ready
3 to go to Mexico to flee for herself. She was ready
4 to go to help Diana Ortiz in her situation. I don't
5 see that as flight.

6 I would like if Your Honor makes a decision
7 based on that to suggest that there are technical
8 means -- what we used to call national technical
9 means -- to keep track of somebody rather readily.
10 Ankle bracelets come to mind. But I don't --

11 THE COURT: That's not quite as easy as you
12 think. The anklet has to report to something. It
13 has to report to a phone in the home, a landline, of
14 which she has none.

15 MR. CURRIER: It's actually -- I accept
16 first of all what Your Honor has said, and getting a
17 landline is a matter of making the application to Ma
18 Bell, and normally that will happen rather quickly.

19 Second with regard to that, I observe that,
20 for example, several bonding companies in business in
21 this town have procedures whereby the reporting goes
22 to either local law enforcement or probationary
23 people or to the bonding agency telling people where
24 the beep, the electronic signal, is coming from.

25 Lastly, I would suggest that that is not

1 the only way. Through her choice she has not
2 testified, but I would suggest that she's not
3 evidencing by her actions so far an intention to flee
4 to protect herself. This whole letter was written
5 with an idea to assist Ms. Ortiz.

6 Now, the government chooses to view that
7 invidiously, but they were by the government's
8 proof -- I'm not sure this is accurate -- fellow
9 believers or practitioners of this particular
10 religion. I suggest that there was no enmity before
11 all this started and none was intended on our side.

12 I did adduce evidence that the families
13 attended the social function together. So I don't
14 think this is enmity to try to hurt nor an intention
15 on her part to flee any responsibility of hers but
16 rather taking on a perceived responsibility as a
17 friend and former employer.

18 Now, I frankly did not know MTY was
19 Monterey, and I not share Mr. Dale's lack of
20 knowledge of that. Your Honor is to be congratulated
21 for knowing that.

22 But I think this is more a letter telling
23 Ortiz that if she will -- my client wishes to go
24 metaphorically to wherever she needs to go to get
25 help for her, not to flee from the jurisdiction of

1 the United States, and certainly not for my client to
2 flee the jurisdiction of the United States, for what
3 it is worth.

4 THE COURT: Okay. Thank you.

5 Mr. Dale.

6 MR. DALE: Yes, Your Honor. I don't know
7 that I can do much better in speculating on the
8 meaning of this document. There's one person in the
9 courtroom that knows what it means, and we don't have
10 the advantage of that knowledge.

11 I would just say that this has to be viewed
12 in context, the context being that the middle of
13 December search warrants issued, numerous federal
14 agents coming through all the various offices, the
15 office on Kingston Pike, the office on Alcoa, seizing
16 documents, and even getting phone calls where
17 Mr. Currier was asking "What's going on with this
18 case? What is this?" And of course I can't comment
19 on an active investigation. But that's the context
20 in which this was written to the person that was now
21 in custody and charged with an 18 U.S.C. 286 offense.

22 THE COURT: When did Ms. Ortiz go into
23 custody?

24 MR. DALE: She went into custody
25 immediately, the same day of the search warrant, the

1 14th or 16th of December -- the 16th of December,
2 Your Honor.

3 She made a statement to law enforcement,
4 which indicated a knowledge of -- or responsibility
5 for assisting in the preparation of falsified tax
6 returns. And she was taken into custody that day
7 because she was in fact an illegal immigrant.

8 One thing I would point out to the Court is
9 in the line that's above the line that we had
10 translated, the line that said, "I hope they put a
11 bond on you --" right above that there is a sentence,
12 "I don't know what is going on with me, but while I
13 am outside I am going to help you -- while I'm
14 outside --" and again, we can't say what "outside"
15 meant, but our inference we drew from it is outside
16 and not in jail. I'm not in custody.

17 So I think this is written in contemplation
18 that there were legal problems coming along and, you
19 know, we have a plan, and this plan appears to
20 involve going to Mexico. That's all I'll speculate
21 on this.

22 THE COURT: Thank you. Now, Exhibit 9, the
23 other letter.

24 MR. DALE: Yes, sir.

25 THE COURT: Do you have that?

1 MR. DALE: Yes, I do.

2 THE COURT: Do you have a copy of that,
3 Mr. Currier?

4 MR. CURRIER: No, sir, I do not.

5 THE COURT: Okay. Let's make a copy of
6 that. I want to give Mr. Currier -- and make two
7 copies.

8 THE COURTROOM DEPUTY: Okay.

9 MR. DALE: I apologize. This is an
10 oversight on my part.

11 THE COURT: I'm getting two copies made.

12 MR. CURRIER: May we just take a quick look
13 at it?

14 THE COURT: Absolutely.

15 MR. CURRIER: (Looking.)

16 Mr. Cordero points out that it is never a
17 good thing to translate a document on the fly, and
18 the Italians famously observed to translate is to
19 betray. But that --

20 THE COURT: The second may be true. I
21 insist on the first everyday. That's why my
22 interpreter is in court. I know not what he speaks.

23 MR. CURRIER: In my former life as a
24 foreign service officer, I was better able to respond
25 to that.

1 THE COURTROOM DEPUTY: (Handing.)

2 THE COURT: All right. I think I only want
3 the first part of this read, but I will start with
4 you, Mr. Cordero. Would you read the first ten
5 lines.

6 MR. CORDERO: "Do not sign any document."
7 Then within parenthesis "POA" --

8 THE COURT: Wait a minute. Exhibit 9 is
9 also a letter from Ms. Blair to Ms. Ortiz. Okay.
10 And it's dated after the other one. It's dated I
11 think --

12 MR. DALE: Your Honor, actually this is
13 the -- this preceded the other letter; 9 was before
14 10.

15 THE COURT: What's the date on this one?

16 MR. DALE: On the front it appears to be
17 the 23rd of January.

18 THE COURT: Well, when you introduced it,
19 you introduced it as the 28th of January, and right
20 above the blacked-out part I see January 28th. Am I
21 looking at the wrong thing?

22 Yeah, Exhibit 10 is January 23rd; I'll
23 agree with that. Is this not Exhibit 9 with the
24 black-out?

25 MR. DALE: It should be.

1 THE COURT: Okay. What's it say right
2 above the black-out?

3 MR. DALE: Well, it does say January 28th.

4 THE COURT: Where does it say January 23rd?

5 MR. DALE: The document that the
6 interpreter has right now does say January 28th on
7 the front of it. So yes, that is correct.

8 THE COURT: All right. So Exhibit 10 was
9 January 23rd.

10 MR. DALE: That's correct, Your Honor.

11 THE COURT: So this one is after that?

12 MR. DALE: That appears to be correct.

13 THE COURT: Okay. All right. So now --
14 I'm sorry, Mr. Cordero -- if you would read it.

15 MR. CORDERO: "Do not sign any documents,"
16 within parenthesis the letters "POA to Manuel."

17 THE COURT: Do you have any idea what that
18 means?

19 MR. CORDERO: No, Your Honor. The
20 interpreter does not feel comfortable speculating as
21 to the significance of the abbreviation.

22 THE COURT: Okay.

23 MR. CORDERO: "Do not sign any documents,"
24 within parenthesis, "POA to Manuel. Believe my
25 words. I love you a lot. I know that you will

1 understand these words. A day does not go by when I
2 do not remember our conversations, and everyday I
3 continue reading our horoscope. The love continues
4 to wait for you, and I hope that you do not get
5 confused -- is not the person that you believe."

6 THE COURT: Who? Who is "not the person?"

7 MR. CORDERO: It does not say, Your Honor.

8 THE COURT: Okay.

9 MR. CORDERO: "-- is not the person that
10 you believe that is supporting you. There will be
11 time to talk about that. You know I'm going to go to
12 Tepito, Mexico."

13 THE COURT: Enquanto esta?

14 MR. CORDERO: Yes, Your Honor.

15 "With regard to this --"

16 Again, the combination of words, Your
17 Honor, do not -- is not written in proper Spanish,
18 but I will just read what it says.

19 "-- with regard to this pass in order to
20 complete one of my promises, and I'm going to close
21 Alcoa to fulfill the second and the third. It's that
22 it's heavy. You can only smell -- you can only smell
23 me --" and it has within parenthesis "ha-ha ha-ha".
24 You can only smell me but not touch."

25 THE COURT: Okay. That's good enough on

1 that I think.

2 Mr. Vincente, after the part about, "There
3 will be time to talk about that --"

4 MR. VINCENTE: Yes, Your Honor.

5 THE COURT: -- how do you read the next few
6 lines?

7 MR. VINCENTE: You know, I am going to
8 Tepito." And for what I understand, Your Honor, what
9 I know --

10 THE COURT: Are you just reading out loud
11 or are you telling me stuff?

12 MR. VINCENTE: I'm speaking to you, Your
13 Honor.

14 THE COURT: I want you to read to me.

15 MR. VINCENTE: Understood, Your Honor.

16 THE COURT: I just want to hear Ms. Blair's
17 words, not yours.

18 MR. VINCENTE: Yes, Your Honor.

19 "You know I am going to Tepito, Mexico once
20 this passes to keep my first promise -- one of my
21 promises. I'm also going to close Alcoa to keep my
22 second one. And the third one is The Fat -- he can
23 only smell me" in parenthesis "he-he-he, but he can't
24 touch me."

25 THE COURT: Okay. Any possible idea what

1 that means, that last part?

2 MR. DALE: Go ahead, yes.

3 Your Honor, I think Mr. Vincente could talk
4 about that in light of our conversation with
5 Ms. Ortiz yesterday.

6 THE COURT: All right. Briefly.

7 MR. VINCENTE: Very briefly, Your Honor,
8 yes.

9 As we were revising this letter in talking
10 to Ms. Ortiz, in reference to the letter, Your Honor,
11 El Gordo, as per Ms. Ortiz's conversation, is
12 referring to Ms. Mayra's ex-companion, Your Honor.

13 THE COURT: So to you it says, "The third
14 one is The Fat --

15 MR. VINCENTE: El Gordo.

16 THE COURT: -- he can only smell me?"

17 MR. VINCENTE: Yes, Your Honor.

18 THE COURT: All right. Hold on a second.

19 (a discussion was held off the record
20 between the Court and the law clerk.)

21 THE COURT: Here's my ruling on this. I'll
22 just talk out loud as I go through it.

23 As I look at the factors, 3142(g) factors,
24 and I evaluate this under the statutory guidelines, I
25 don't find that the government has made a case for

1 danger. The only allegations of danger that the
2 government has seriously argued is with regard to
3 Ms. Ortiz, but a couple of those things argue against
4 that.

5 First off, these letters appear to be
6 letters of great affection for Ms. Ortiz and a desire
7 to help her. They of course were introduced by the
8 government. All the evidence about the Santa Muerte
9 issue seems to have been for naught in light of the
10 testimony that Ms. Ortiz herself said, that with
11 regard to the picture before she went into jail she
12 thought that was a good thing -- that picture was
13 being put there as a good thing, as a typical
14 location of a picture on a statue for blessings. It
15 was only after she had a conversion in the jail that
16 she began to believe that was for harm.

17 So while we don't know who actually put
18 that picture there it appears that it was originally
19 put there as a good thing, and it hasn't moved. Now,
20 her perception of it and her perception of Santa
21 Muerte has changed, but I don't think that that
22 indicates that it was done in the first instance as
23 some sort of intimidation or black magic or
24 witchcraft or anything like that.

25 In any event, I don't find that the

1 government has made a case for danger to the level
2 required under the statute, which is clear and
3 convincing evidence.

4 The other issue is much more difficult, the
5 issue of a flight risk. First off, the government's
6 standard to prove that is much lower. It's only a
7 preponderance Of the evidence.

8 Now, admittedly looking at the factors, the
9 first factor, the nature and the circumstances of the
10 offense charged, this isn't one of those cases that
11 are itemized in the statute, nor is it the type of
12 charge that Congress intended that the Court weigh in
13 favor of detention. So the first factor seems to
14 argue in favor of release.

15 The second factor is the weight of the
16 evidence against the defendant. And although I
17 shared Mr. Dale's original thoughts about what that
18 meant, since the Stone case came out of the Sixth
19 Circuit and since we've had a couple rulings in this
20 Court, it appears that that means the weight of the
21 evidence, in this case of flight. We'll get to that
22 in a minute.

23 I get to the history and characteristics of
24 the defendant, and most all those would seem to argue
25 in favor of her release. She has no criminal

1 history, no history of drug or alcohol abuse. She
2 has some community ties. She's been in the community
3 for awhile. She's employed. She has family ties
4 here. No evidence she's skipped any court
5 appearances. And it appears she wasn't on any kind
6 of probation or parole at the time of the alleged
7 offense.

8 So I'm sort of left with these two letters,
9 and what do they say, and what do they mean. And I
10 apologize for taking up time, but I thought that was
11 the main issue. And as I went back through it, it
12 appeared to be the main issue to me, because I don't
13 have a good, satisfactory explanation for what it
14 means other than almost what it says, which as I read
15 it, putting the two letters together, the first
16 letter indicates, "I have made my promises and I'm
17 going to fulfill them. You'll see how this is going
18 to be fixed."

19 The second letter a couple days later
20 indicates what those promises are and again says, I
21 will keep my promises. One, I'm going to wherever
22 this place is in Mexico. It's spelled T-e-p-i-t-o,
23 Tepito, Mexico.

24 Number two, I'm going to close Alcoa, which
25 I assume is the Alcoa store. And number three,

1 something regarding a former companion named El
2 Gordo. You can guess about that.

3 When we go back to the first letter a few
4 days earlier -- and I took into account what
5 Mr. Currier said, that she hasn't shown any actions
6 of flight through her actions -- she indicates,
7 "Though I do not know how things are going for me
8 yet, but while I'm still on the outside I'm going to
9 help you."

10 That's okay. I do disagree with
11 Mr. Currier when he says she's not a very well-
12 educated woman. It appears she's been very
13 successful in her business, and you produced checks
14 to show how successful she has been.

15 And then it says, I hope they give you bond
16 so I can basically pay for it, and then it says, If I
17 have to go to Mexico for you, over there I will go.
18 We have a plan. You are not alone. Mom is waiting
19 for you in MTY, capital letters. Again, the only
20 thing I know of capital letters MTY would be an
21 airport in Monterey.

22 It sounds for all the world to me like a
23 plan to get somebody out on bond and fly them to
24 Mexico, and if necessary, she will go with them. It
25 further indicates it's a promise she has made to go

1 to Mexico and to close down her business.

2 Now, the reason I can't just discount that
3 and the weight I have to give to it is it's in the
4 defendant's own handwriting. It's not somebody
5 saying they think she might do this. It's simply her
6 saying she's promising to do this for somebody she
7 really cares for, one more example why the danger
8 argument fails.

9 But in this case I'm finding that these two
10 letters in her words are sufficient to tip the scales
11 in favor of detention. I find that they are such
12 that they indicate a plan to flee. She already has
13 an incentive to flee. She has a 32,000-dollar check
14 sitting there that hasn't been cashed. There's
15 opportunity alone to flee. I see from this in my
16 estimation she has a plan in effect, and the only
17 thing lacking is opportunity, which I would give her
18 if I released her.

19 So for those reasons I find she would be a
20 risk of flight. I also don't find that there are any
21 conditions or combination of conditions that I can
22 place on her that would reasonably assure me that she
23 wouldn't attempt to flee and/or be successful. It
24 sounds like she's already thought about it, planned
25 it, and would be likely to do it if I let her.

1 So for whatever it's worth that's my
2 ruling. And of course, Mr. Currier, my rulings can
3 be appealed to the District Judge. But I'm finding
4 no proof of danger but adequate proof of flight.

5 All right. So that means unfortunately --
6 unfortunately, Ms. Blair, that means that you have to
7 remain in custody --

8 MS. BLAIR: I didn't say that.

9 THE COURT: -- under my rulings.

10 All right. Is there anything else,
11 Mr. Dale?

12 MR. DALE: Nothing further, Your Honor.

13 THE COURT: Anything else, Mr. Currier?

14 MR. CURRIER: Obviously my client is
15 distraught, and part of this I would lay at my own
16 door because given the rush -- which I am
17 responsible -- to get this done, I may not have
18 counseled her adequately to prepare her for court.

19 I would observe that as Your Honor was kind
20 enough to note, the arguments I made about her
21 factual actions and so on and such, I wish Your Honor
22 of course would have decided differently than Your
23 Honor has decided.

24 I wish we could revisit this at some point
25 if I'm instructed to appeal.

1 THE COURT: I'm not instructing you to
2 appeal.

3 MR. CURRIER: No, no.

4 THE COURT: I'm advising you of your right
5 to appeal.

6 MR. CURRIER: No, no. If my client
7 instructs me to appeal.

8 THE COURT: I got it.

9 MR. CURRIER: I was not attempting to
10 assert anything to the Court. So we will --

11 THE COURT: Anything else legally,
12 Mr. Currier?

13 MR. CURRIER: No, sir.

14 THE COURT: All right. There being nothing
15 further, Ms. Blair, you will go with the marshals.
16 They'll take you with them and bring you back for
17 trial.

18 (End of Proceedings.)

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REPORTER'S CERTIFICATION

STATE OF TENNESSEE)

COUNTY OF KNOX)

I, LYNDA L. CLARK, LCR #034, RMR, CRR, Court Reporter and Notary Public, in and for the State of Tennessee, do hereby certify that the above Court Hearing was reported by me, transcribed by me, and that the foregoing 165 pages of the transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am neither kin nor of counsel to any of the parties, nor in any way financially interested in the outcome of this case.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 2nd day of April, 2015.



Lynda L. Clark

LYNDA L. CLARK, LCR #034

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